Nos. 17-586, 17-626

In the Supreme Court of the United States

GREG ABBOTT, ET AL., APPELLANTS

v.

SHANNON PEREZ, ET AL.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

BRIEF FOR APPELLANTS

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QUESTIONS PRESENTED

1. Whether the district court issued an appealable interlocutory injunction when it invalidated Texas congressional and state-house redistricting plans and effectively prevented Texas from using those plans in future elections, by imposing expedited deadlines for the State to either engage in another round of legislative redistricting or face court-imposed redistricting just days before districts had to be set for the 2018 elections.

2. Whether the Texas Legislature acted with an unlawful purpose when it enacted districts imposed by the district court itself—which the district court had imposed pursuant to this Court's 2012 mandate to fix any plausible constitutional and statutory defects in prior legislative plans that were repealed without ever having taken effect—and when there was no unlawful taint behind these court-imposed districts to begin with, as the district court explained in its lengthy 2012 opinions.

3. Whether state-house districts in Nueces County produced a vote-dilution effect when the district court expressly recognized that an additional performing majority-minority opportunity district could not be created there without breaking the State's rule to maintain county lines if possible—which the court held was not required by the Voting Rights Act.

4. Whether the Texas Legislature engaged in racial gerrymandering in reconfiguring Tarrant County's HD90 when the Legislature had a strong basis in evidence to believe that consideration of race was necessary under the Voting Rights Act to maintain HD90 as a majority-Hispanic district.

PARTIES TO THE PROCEEDING

Plaintiffs in the district court are Shannon Perez, Gregory Tamez, Nancy Hall, Dorothy DeBose, Carmen Rodriguez, Sergio Salinas, Rudolfo Ortiz, Lyman King, Armando Cortez, Socorro Ramos, Gregorio Benito Palomino, Florinda Chavez, Cynthia Valadez, Cesar Eduardo Yevenes, Sergio Coronado, Gilberto Torres, Renato De Los Santos, Jamaal R. Smith, Debbie Allen, Sandra Puente, Kathleen Maria Shaw, TJ Carson, Jessica Farrar, Richard Nguyen Le, Wanda F. Roberts, Mary K. Brown, Dottie Jones, Mexican American Legislative Caucus - Texas House of Representatives (MALC), Texas Latino Redistricting Task Force, Joey Cardenas, Alex Jimenez, Emelda Menendez, Tomacita Olivares, Jose Olivares, Alejandro Ortiz, Rebecca Ortiz, Margarita V Quesada, Romeo Munoz, Marc Veasey, Jane Hamilton, John Jenkins, Eddie Rodriguez, City of Austin, Constable Bruce Elfant, Travis County, David Gonzalez, Milton Gerard Washington, Alex Serna, Sandra Serna, Betty F. Lopez, Beatrice Saloma, Joey Martinez, Lionor Sorola-Pohlman, Balakumar Pandian, Nina Jo Baker, Juanita Valdez-Cox, Eliza Alvarado, the League of United Latin American Citizens (LULAC), Henry Cuellar, Texas State Conference of NAACP Branches, Howard Jefferson, Bill Lawson, Eddie Bernice Johnson, Sheila Jackson-Lee, Alexander Green, United States of America, Rod Ponton, Pete Gallego, Filemon Vela, Jr., Gabriel Y. Rosales, Belen Robles, Ray Velarde, Johnny Villastrigo, Bertha Urteaga, Baldomero Garza, Marcelo H. Tafoya, Raul Villaronga, Asenet T. Armadillo, Elvira Rios, Patricia Mancha, and Juan Ivett Wallace.

Defendants in the district court are Greg Abbott, in his official capacity as Governor of Texas, Rolando Pablos, in his official capacity as Texas Secretary of State, the State of Texas, Steve Munisteri, in his official capacity as Chair of the Texas Republican Party, Boyd Richie, Gilberto Hinojosa, in his official capacity as Chair of the Texas Democratic Party, and Sarah M. Davis.

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INTRODUCTION

There are few things a legislature can do to avoid protracted litigation over its redistricting legislation. But if the nearly inevitable litigation comes to pass, one would have thought there was one reasonably safe course available to bring it to an end—namely, enacting the three-judge court's remedial redistricting plan as the legislature's own. Think again.

As it turns out, even that will not suffice, as the decisions below reached the remarkable conclusion that the Texas Legislature engaged in intentional racial discrimination by enacting into law maps imposed by the same district court one cycle earlier to remedy alleged infirmities with the Legislature's initial maps. According to the district court, *its own maps* were infected with the "taint of discriminatory intent"—a taint that the Legislature (but apparently not the court) was obligated to "remove" if it wanted to adopt those maps as state law rather than just abide by them as a judicial decree.

That conclusion is every bit as implausible as it sounds and entirely turns on its head this Court's repeated emphasis on the primacy of States and state legislatures when it comes to redistricting. The maps at issue here were imposed after this Court instructed the district court "to draw interim maps" for Texas's 2012 elections "that do not violate the Constitution or the Voting Rights Act." *Perry v. Perez*, 565 U.S. 388, 396 (2012) (per curiam). And by its own telling in lengthy 2012 opinions, the district court assiduously abided by that mandate. There is absolutely no support for the novel proposition that the same map can be constitutional when imposed by the court, but unconstitutional—let alone intentionally discriminatory—when embraced by the legislature. If anything, the strong presumption of good faith that applies to state redistricting legislation ought to be virtually unassailable when a legislature enacts redistricting plans only after a federal court has issued opinions explaining in exhaustive detail how those plans addressed every "plausible" constitutional or statutory objection, H.J.S. App. 313a, and were "not purposefully discriminatory," C.J.S. App. 408a.

The district court concluded otherwise only by jettisoning nearly every pillar of this Court's redistricting jurisprudence—from the strong presumption of constitutionality and good faith, to the primacy of States and state legislatures in redistricting, to the extraordinary caution courts must exercise when confronting intentional-discrimination claims, to the principle that intentional vote dilution exists only when the legislature actually sets out to reduce minority voting strength, to the rule that VRA compliance is a defense to racial-gerrymandering claims. Under a correct application of those settled legal principles, the plaintiffs have not come close to satisfying their burden of proving that the Legislature enacted the district court's own maps in a sinister effort to discriminate against minority voters. Instead, all the evidence confirms that the obvious answer is the right one: the Legislature embraced the court's maps for the perfectly permissible reason that it wanted to bring the litigation to an end and took the court at its word that those maps complied with the Constitution and the VRA.

The district court's decision to invalidate its own remedial maps as intentionally discriminatory cannot stand.

OPINIONS BELOW

The three-judge district court's order on Plan C235 is available at 274 F. Supp. 3d 624. C.J.S. App. 3a-119a. The district court's order on Plan H358 is available at 267 F. Supp. 3d 750. H.J.S. App. 3a-87a.[1]

JURISDICTION

This Court has jurisdiction under 28 U.S.C. §1253. *See infra* Part I. Appellants filed their notice of appeal of the order on Plan C235 on August 18, 2017, C.J.S. App. 1a-2a. Appellants filed their notice of appeal of the order on Plan H358 on August 28, 2017. H.J.S. App. 1a-2a.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The State's current congressional redistricting plan was enacted by the Act of June 21, 2013, 83rd Leg., 1st C.S., ch. 3, 2013 Tex. Gen. Laws 5005-5006. *See* Statutory Appendix 34a. The State's current Texas House of Representatives districts were enacted by the Act of June 23, 2013, 83rd Leg., 1st C.S., ch. 2, 2013 Tex. Gen. Laws 4889-5005. *See* Statutory Appendix 1a. Both statutes have been challenged under the Fourteenth Amendment and §2 of the Voting Rights Act (VRA), 52 U.S.C. §10301.

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[1] The abbreviation "C.J.S. App." refers to the jurisdictional statement appendix in No. 17-586. The abbreviation "H.J.S. App." refers to the jurisdictional statement appendix in No. 17-626.

STATEMENT

A. In 2011, following the decennial census, the Texas Legislature enacted redistricting plans for Texas state-legislative and congressional districts.[2] Before the Legislature even enacted those plans, however, the plaintiffs filed this lawsuit challenging the State's congressional redistricting plan (Plan C185) and its redistricting plan for the Texas State House of Representatives (Plan H283) under the Constitution and VRA §2. The Chief Judge of the Fifth Circuit constituted a three-judge district court under 28 U.S.C. §2284. J.A. 2a.

Because Texas was subject to VRA §5 at that time, its legislatively enacted plans could not take legal effect until they were precleared. *See* 52 U.S.C. §10304. Texas sought preclearance by filing a suit for declaratory judgment in the United States District Court for the District of Columbia.

B. While the D.C. preclearance lawsuit was still pending, the Texas three-judge district court proceeded to conduct a two-week trial on the constitutional and VRA §2 challenges to the not-yet-operative 2011 plans. J.A. 13a-17a. Because a final judgment in the preclearance litigation seemed unlikely to come in time for the 2012 election cycle, the district court ordered the parties to submit proposed interim plans for the 2012 elections. J.A. 17a-18a.

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[2] Act of May 21, 2011, 82nd Leg., R.S., ch. 1271, 2011 Tex. Gen. Laws 3435-3552 (creating Plan H283); Act of June 20, 2011, 82nd Leg., 1st C.S., ch. 1, 2011 Tex. Gen. Laws 5091-5180 (creating Plan C185).

In November 2011, a 2-1 majority of the district court entered separate orders directing the State to conduct the 2012 elections under plans drawn by the court. Concluding that it "was not required to give any deference to the Legislature's enacted plan," the majority announced that it had drawn "independent map[s]" based on "neutral principles that advance the interest of the collective public good." *Perry*, 565 U.S. at 396. Judge Smith dissented from both orders, explaining that the majority had imposed "a runaway plan that imposes an extreme redistricting scheme" that was completely "untethered to the applicable caselaw." H.J.S. App. 279a.

The State appealed, and on January 20, 2012, this Court unanimously vacated the district court's orders, holding that "the District Court exceeded its mission to draw interim maps that do not violate the Constitution or the Voting Rights Act, and substituted its own concept of 'the collective public good' for the Texas Legislature's determination of which policies serve 'the interests of the citizens of Texas.'" *Perry*, 565 U.S. at 396. Reiterating that "[r]edistricting is primarily the duty and responsibility of the State," *id.* at 392 (quoting *Chapman v. Meier*, 420 U.S. 1, 27 (1975)), this Court explained that a district court forced to impose its own redistricting map should not simply "ignore any state plan that has not received § 5 preclearance." *Id.* at 395.

At the same time, however, this Court made clear that a district court imposing an interim plan "must, of course, take care not to incorporate into the interim plan any legal defects." *Id.* at 394. Indeed, the Court expressly instructed the district court—six separate times—that it must impose plans that comply with the Constitution and the VRA:

- The district court's "mission [is] to draw interim maps that do not violate the Constitution or the Voting Rights Act." *Id.* at 396.
- "A district court making . . . use of a State's plan must, of course, take care not to incorporate into the interim plan any legal defects in the state plan." *Id.* at 394.
- "[A] district court should still be guided by [the State's] plan, except to the extent those legal challenges are shown to have a likelihood of success on the merits." *Id.*
- "[T]he district court [must] confine[] itself to drawing interim maps that comply with the Constitution and the Voting Rights Act, without displacing legitimate state policy judgments with the court's own preferences." *Id.*
- "'[A] court, as a general rule, should be guided by the legislative policies underlying' a state plan—even one that was itself unenforceable—'to the extent those policies do not lead to violations of the Constitution or the Voting Rights Act.'" *Id.* at 393 (quoting *Abrams v. Johnson*, 521 U.S. 74, 79 (1997)).
- The district court should "take guidance from the lawful policies incorporated in [a not-yet-precleared] plan." *Id.* at 395.

Moreover, this Court made clear that when assessing whether the State's plans suffered from any "legal defects," the district court need not confine itself to addressing *proven* constitutional or VRA violations. Instead, given the preliminary posture of the litigation, the Court instructed the district court to remedy any district as to which the plaintiffs had demonstrated that a constitutional or VRA §2 claim was "likely to succeed on the merits," *id.* at 394, as well as any "aspects of the state plan that stand a reasonable probability of failing to gain § 5 preclearance," which the Court also described as any aspect of the plan subject to a "not insubstantial" §5 challenge. *Id.* at 395. In other words, the Court instructed the district court to adopt maps that remedied not only any *actual* constitutional or VRA violations, but also "likely" violations and "not insubstantial" §5 claims.

C. On remand, the parties submitted proposed findings of fact and extensive briefing, including post-trial briefs from the preclearance litigation. C.J.S. App. 380a; J.A. 26a-50a. After holding two more days of hearings, J.A. 43a, the district court adopted interim congressional and state-house plans for the 2012 elections. The court explained that its interim plans "obey[ed] the Supreme Court's directive by adhering to the State's enacted plan except in the discrete areas in which we have preliminarily found plausible legal defects." H.J.S. App. 313a. The court noted that it reviewed all pending VRA §5 objections, including claims of discriminatory purpose, under "the low 'not insubstantial' standard" this Court articulated. *Id.*

Starting with the congressional plan, the district court imposed as its interim plan Plan C235, which reconfigured nine of the 36 congressional districts from the State's 2011 plan. C.J.S. App. 367a-423a. In a 56-page opinion, the court concluded that Plan C235 "sufficiently resolves the 'not insubstantial' § 5 claims and that no § 2 or Fourteenth Amendment claims preclude its acceptance under a preliminary injunction standard." *Id.* at 396a. In doing so, the court specifically found that "C235 is not purposefully discriminatory." *Id.* at 408a. The court devoted 13 pages to explaining why plaintiffs were not likely to succeed on their claims concerning two districts that Plan C235 did *not* change—CD27, based in Corpus Christi, and CD35, linking Austin and San Antonio.[3] As to the former, the court spent six pages explaining why CD27 did not intentionally dilute minority voting strength. *See id.* at 417a-423a. As to the latter, the court spent seven explaining why CD35 was not a racial gerrymander. *See id.* at 408a-417a.

The district court imposed Plan H309 as its interim House plan. Plan H309 reconfigured 28 of the State's 150 state-house districts. H.J.S. App. 300a. The district court expressly declined, however, to reconfigure the state-house districts in Bell, Dallas, Nueces, and Tarrant Counties, *id.* at 314a, finding that the plaintiffs were not likely to succeed on their §2 vote dilution claims and that any §5 claims were insubstantial. *Id.* at 308a-309a.

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[3] This brief refers to congressional districts by the abbreviation "CD" followed by the district number. It refers to state-house districts by the abbreviation "HD" followed by the district number.

D. After the Texas district court imposed its interim plans, the D.C. district court denied VRA §5 preclearance to the 2011 plans. *See Texas v. United States*, 887 F. Supp. 2d 133 (D.D.C. 2012), *vacated*, 133 S. Ct. 2885 (2013) (mem.). Although the plaintiffs asked the Texas court to modify its court-ordered plans based on the D.C. court's preclearance decision, the court declined. This Court then denied an application to stay Plan C235 in light of the preclearance denial, *LULAC v. Perry*, 133 S. Ct. 96 (2012) (mem.), and the State conducted its 2012 elections under the court-ordered Plans C235 and H309.

E. Although the State appealed the D.C. court's preclearance decision, before that appeal could be considered, state officials began to urge the Legislature to consider a different path forward—one that could bring certainty to the State's elections and avoid several more years of protracted litigation. The Texas Attorney General implored the Legislature that "the best way to remedy the violations found by the D.C. court is to adopt the court-drawn interim plans as the State's permanent redistricting maps." C.J.S. App. 432a. As he further explained, permanently adopting the court-ordered plans would "confirm the legislature's intent for a redistricting plan that fully comports with the law." *Id.* at 429a. Echoing the same view, on May 27, 2013, the Governor called the Legislature into a special session "[t]o consider legislation which ratifies and adopts the interim redistricting plans ordered by the federal district court." Proclamation by the Governor, No. 41-3324 (May 27, 2013).

The Legislature decided to follow that advice: On June 21 and 23, 2013, it formally repealed the 2011 redistricting plans, adopted the court-ordered Plan C235 in full, and adopted the court-ordered Plan H309 with minor changes as Plan H358. On June 26, 2013, the Governor signed into law the bills adopting Plan C235 and Plan H358.[4]

F. After the Legislature repealed the 2011 plans, the State moved to dismiss the plaintiffs' claims against those plans as moot, as the plans they challenged no longer existed. J.A. 59a. The district court summarily denied that motion without even waiting for the plaintiffs to respond. J.A. 60a. The district court then granted the plaintiffs leave to amend their complaints to assert claims against the newly enacted plans—*i.e.*, claims against the same districts that the court itself had imposed on the State for the 2012 elections, plus one statehouse district (HD90) that had been modified slightly in 2013. J.A. 62a-63a. But instead of adjudicating those new challenges to the plans that were actually in effect, the court allowed the plaintiffs to continue pursuing their claims against *the 2011 plans*—plans that had been repealed and that had never taken effect. The court also granted the plaintiffs leave to amend their complaints to seek preclearance bail-in under VRA §3 based on the 2011 plans—once again rejecting the State's argument that claims against those plans were moot. J.A. 62a-63a.[5] The district court then conducted a *second* trial on claims challenging the repealed 2011 House plan, J.A. 87a-89a, as well as a second trial on claims challenging the repealed 2011 congressional plan, J.A. 91a-93a.

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[4] On June 25, 2013, this Court held VRA §4(b)'s coverage formula unconstitutional. *Shelby County v. Holder*, 133 S. Ct. 2612, 2631 (2013). The Court later vacated the judgment in the D.C. preclearance lawsuit and remanded for further proceedings in light of *Shelby County*. *Texas v. United States*, 133 S. Ct. 2885 (2013) (mem.). The preclearance litigation was ultimately dismissed as moot. C.J.S. App. 10a.

At the same time that it continued to adjudicate moot challenges to the defunct 2011 plans, the district court refused plaintiffs' requests to enjoin the plans enacted by the Legislature in 2013. J.A. 52a-53a, 94a. As a result, the State conducted elections under the legislatively adopted 2013 plans in 2014 and 2016.

G. More than two years after the second trial on the 2011 plans, and almost *four years* after those plans had been repealed, the district court issued opinions holding—by a 2-1 vote—that the plaintiffs' claims against those plans were not moot, that the 2011 Legislature engaged in intentional racial discrimination and unconstitutional racial gerrymandering, and that the 2011 plans had the effect of diluting minority voting strength in violation of VRA §2. C.J.S. App. 330a-331a; H.J.S. App. 275a. The majority also found that the plaintiffs proved "one person, one vote *Larios*-type claims" in discrete portions of Plan H283, *id.* at 276a, but rejected statewide one-person, one-vote claims, *id.* at 272a.

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[5] The United States intervened to assert claims against the repealed 2011 plans but did not assert any claims against the 2013 plans. J.A. 62a.

Judge Smith dissented as to both jurisdiction and the merits. He explained that the plaintiffs' challenges to the 2011 plan were moot because those plans were repealed in 2013 and, indeed, had never taken effect. C.J.S. App. 336a-349a; H.J.S. App. 280a. On the merits, he explained that the majority's opinion "concoct[ed] the most extreme possible reading of the raw record to justify findings that, if converted to corresponding remedies, will hand these plaintiffs pretty much everything they have sought, causing a wholesale revision in the State House and Congressional maps." H.J.S. App. 278a-279a. He noted that the majority's factual findings were legally infirm, but "even under the clearly-erroneous test, the majority's findings are fatally infected, from start to finish." H.J.S. App. 278a.[6]

H. Having spent four years adjudicating moot challenges to the repealed 2011 plans, the district court finally turned to the plaintiffs' challenges to the operative 2013 plans (Plans C235 and H358), holding a trial on those claims in July 2017. C.J.S. App. 14a. In sharp contrast to the two years the court spent reaching resolution following the trial on the defunct 2011 plans, the court issued a divided decision on Plan C235 a mere month after the trial ended. *Id.* at 14a n.13, 119a. Remarkably, even though that plan was *identical* to the one the court itself imposed in 2012, the court invalidated two districts in Plan C235 on the ground that they were the product of intentional discrimination. The court concluded that the Legislature engaged in intentional vote dilution by adopting CD27 even though the court-ordered plan left CD27 unchanged after considering its alleged infirmities, and engaged in racial gerrymandering by adopting CD35 even though the court-ordered plan preserved that district over objections as well. *Id.* at 117a-118a.

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[6] Judge Smith concurred, however, in the majority's narrow conclusion, with respect to one-person, one-vote claims, that the 2011 Legislature "erred in assuming . . . that the ten-percent test offers an unassailable safe haven." H.J.S. App. 278a n.1.

One week later, the district court issued an opinion invalidating certain state-house districts in Plan H358. H.J.S. App. 7a n.5, 84a-85a. Here, too, the court concluded that the Legislature engaged in intentional discrimination by preserving verbatim several districts from the district court's own 2012 interim map—specifically, HD54 and HD55 (Bell County); HD103, HD104, and HD105 (Dallas County); and HD32 and HD34 (Nueces County). *Id.* at 85a. The district also found "a §2 results violation insofar as two compact [Hispanic citizen voting-age population (HCVAP)]-majority opportunity districts could be drawn within Nueces County." *Id.* But the district court itself simultaneously recognized that it was not possible to draw two *performing* majority-minority districts within Nueces County, *id.* at 49a-50a (noting that attempts to draw two such districts within Nueces County left Hispanic voters "essentially worse off than under Plan H358 because one district would not perform at all and one performed poorly (compared to Plan H358, where one district does perform consistently for Latinos)"), and the court declined to find "that § 2 requires breaking the County Line Rule to draw such districts." *Id.* at 85a. Finally, turning to HD90 (Tarrant

County), one of the very few districts that the 2013 Legislature *had* altered as compared to the court-ordered remedial map, the district court rejected the plaintiffs' intentional-vote-dilution claim but sustained their racial-gerrymandering claim—even though the 2013 Legislature had redrawn HD90 to address vote-dilution concerns raised by plaintiffs in this very case. *Id.*

While the district court declined to style either of its opinions as an "injunction," each one invalidated aspects of the State's maps, and each gave the Governor only three business days to order a special session of the Legislature to draw a new map. If the Governor declined to do so, the orders compelled defendants to prepare remedial map proposals and appear at hearings mere weeks later to redraw Texas's maps. H.J.S. App. 86a; C.J.S. App. 118a-119a. Because the deadline for finalizing all districts for the 2018 election cycle was fast approaching, and the district court's orders made plain that Texas could not use its existing maps in the impending elections, Texas sought and obtained stays of both orders pending appeal. *Abbott v. Perez*, 138 S. Ct. 49 (2017).

SUMMARY OF ARGUMENT

In 2013, the Texas Legislature adopted court-ordered remedial districts as its own. The federal court that fashioned those remedial districts did so based on a mandate from this Court to "draw interim maps that do not violate the Constitution or the Voting Rights Act." *Perry*, 565 U.S. at 396. Yet having drawn maps pursuant to a mandate to avoid even likely infirmities, the same court deemed those same districts, once adopted as state law by the Legislature, to constitute intentional discrimination on the basis of race. That conclusion "sounds absurd, because it is." *Sekhar v. United States*, 133 S. Ct. 2720, 2727 (2013). There is not a shred of support for the district court's novel theory that a legislature engages in intentional discrimination by failing to "remove" the purported "discriminatory taint" from *the court's own maps* before embracing them as its own. The district court's decision defies law and logic and cannot be sustained.

I. This Court's jurisdiction is clear. The district court's orders are appealable interlocutory orders because they have the "practical effect" of an injunction. *Carson v. Am. Brands, Inc.*, 450 U.S. 79, 83 (1981). Not only did those orders conclusively find the State's 2013 congressional and state-house redistricting plans unlawful; they had the immediate practical effect of precluding the State from using those duly enacted maps in the upcoming elections and putting the state on the clock to use or lose its sovereign authority to enact new maps. The best evidence of that is the district court's extraordinary direction giving the Governor just three days to recall the Legislature or otherwise participate in the district court's efforts to draw new judicial maps for the impending elections. The only conceivable explanation for such extreme haste and such an extraordinary demand is that the court had foreclosed use of the 2013 maps in the impending 2018 election cycle, which was set to kick off weeks later. Accordingly, while the district court may have steered clear of using the magic word "injunction," that does not obscure the fact that the court's orders had the practical effect of blocking the State from using its maps in any future elections and gave the State only the briefest of intervals to exercise its sovereign authority over redistricting, which is plainly sufficient for this Court's jurisdiction.

II. The central question on the merits is whether the Texas Legislature engaged in intentional discrimination when it adopted districts imposed by the district court itself. Plainly, it did not. A legislature does not engage in racial gerrymandering (or intentional vote dilution) by embracing, as its own, districts that a federal court *ordered* the State to use after expressly concluding that they sufficed to address every "plausible" constitutional or statutory objection.

All of the evidence confirms the commonsense conclusion that the Legislature enacted the court's own remedial districts because it took the court at its word when it concluded that those maps complied with the Constitution and the VRA and redressed every "plausible" claim otherwise. The plaintiffs' intentional-discrimination claims thus should have failed even without reference to the strong "presumption of good faith" and "extraordinary caution" that applies in this context. *Miller* *v. Johnson*, 515 U.S. 900, 916 (1995). With that presumption, the question is not close.

The district court concluded otherwise based on its novel view that the Legislature was required to prove that it "removed" the "taint of discriminatory intent" that purportedly infected the court's interim maps before the Legislature embraced them as its own. That reasoning is wrong at every turn. It ignores settled law establishing that it is the plaintiffs' burden to prove that the Legislature invidiously and intentionally sought to harm minority voters because of their race, not defendants' burden to prove that the Legislature did not. It confuses discriminatory *effect*, which at least is capable of being carried over from one law to another, with discriminatory *intent*, which decidedly is not. The district court's reasoning even compels the bizarre conclusion that the district court *itself* engaged in intentional discrimination when it imposed its 2012 interim maps. And it is not even right on its own terms because the districts incorporated in the district court's interim maps were not infected with discriminatory "taint" in the first place. Accordingly, the district court's decision invalidating on racial-gerrymandering and intentional-vote-dilution grounds multiple districts that the Legislature adopted verbatim from the court's interim maps cannot stand.

III. The district court's invalidation of one state-house district on discriminatory-*effects* grounds, and its invalidation on racial-gerrymandering grounds of one of the very few state-house districts that the Legislature actually changed in 2013 suffer equally fatal defects.

As to the former, this Court's precedent confirms that VRA §2 requires additional majority-minority districts to be drawn only if they are compact, have at least a 50% minority population, and would actually perform in electing minority-preferred candidates. The district court itself acknowledged (as did the plaintiffs) that it was not possible to draw another performing minority-opportunity district in Nueces County, which suffices to invalidate the court's inexplicable conclusion that the Legislature caused vote dilution by failing to do so.

As for the latter, the Legislature altered HD90 in Tarrant County in 2013 because plaintiffs in this case insisted that the district must maintain a Spanish-surname-voter-registration majority to avoid vote dilution under VRA §2. The plaintiffs then turned around and claimed that the Legislature engaged in racial gerrymandering when it responded to that specific concern by maintaining HD90's Spanish-surname-voter-registration majority. Worse still, the district court sustained that remarkable charge on the theory that VRA-compliance is just "a vague goal" that does not justify intentionally drawing a majority-minority district. H.J.S. App. 81a. To state the obvious, a legislature does not engage in impermissible racial gerrymandering by relying on race for the limited purpose of addressing a specific complaint about potential vote dilution.

ARGUMENT

I. This Court Has Jurisdiction to Review the District Court's Orders Because They Have the "Practical Effect" of Enjoining the State's Redistricting Plans.

This Court has jurisdiction because the three-judge district court's orders constitute interlocutory injunctions, which may be appealed directly to this Court. 28 U.S.C. §1253. This Court has made clear that appellate jurisdiction turns on the "practical effect" of a court's interlocutory orders, not labels or form. *Carson*, 450 U.S. at 83. Courts thus have consistently held that "[e]ven if an order does not by its terms grant or deny a specific request for an injunction . . . the order may still be appealable if it has the 'practical effect' of doing so." *Salazar ex rel. Salazar v. Dist. of Columbia*, 671 F.3d 1258, 1261-62 (D.C. Cir. 2012); *see, e.g.*, *Thomas ex rel. D.M.T. v. Sch. Bd. St. Martin Par.*, 756 F.3d 380, 384 (5th Cir. 2014); *Etuk v. Slattery*, 936 F.2d 1433, 1440 (2d Cir. 1991). Whether a court labels an order an "injunction" therefore makes no difference; otherwise courts could put off review of their decisions through the simple expedient of omitting magic words.

That rule has particular force in the redistricting context, where the next election must take place and must take place under some map. In that context, a decision invalidating the map adopted by the legislature and used in previous elections not only prohibits the use of those maps in the upcoming elections, but implicitly or explicitly puts the state government on the clock to enact a replacement map forthwith or lose its opportunity to exercise its sovereign authority over redistricting. Here, of course, the district court made this explicit by giving the Governor just three days to order a special session or, failing that, directing the State to participate in the judicial map-drawing process. Such a use-it-or-lose-it order to the sovereign has the practical effect of an injunction and reinforces that the order invalidating the legislatively drawn maps operates as an injunction prohibiting their use in the upcoming election.

The orders here are plainly appealable. While the district court did not label its orders "injunctions," those orders had the unambiguous "practical effect" of prohibiting the State from conducting any future elections under its duly enacted redistricting plans. A mere one month after trial on these plans, the district court conclusively held that districts in Plans C235 and H358 violate the Constitution or the VRA, and it conclusively held that those "statutory and constitutional violations" "*now require a remedy.*" C.J.S. App. 118a; H.J.S. App. 84a (emphasis added). The district court then expressly ordered that, if the Legislature did not redraw both maps *immediately*, the court would do so itself. Indeed, the court gave the Governor just three business days to decide whether to call the Legislature into special session to draw new maps. And in the event the Governor declined to meet that court-imposed deadline, the court ordered the parties to consult with map-drawing experts, confer with each other, and come prepared to offer proposed remedial plans on September 5 and 6, 2017. C.J.S. App. 118a-119a; H.J.S. App. 86a.

The reason for this haste was clear: The October 1, 2017 deadline for implementing any changes to the maps before the 2018 election cycle was fast approaching, and the district court wanted to ensure that it could put new maps in place before that deadline arrived.[7] Indeed, if the court's orders were not intended to block the State from using Plans C235 and H358 in the impending elections, then there would have been no reason to put the Governor under a three-day deadline to haul the out-of-session Legislature back to the Capitol on an expedited basis, or to order the parties to rush to redraw the maps a mere 21 days after invalidating Plan C235 and a mere 13 days after invalidating Plan H358.

That the district court's orders had the "practical effect" of enjoining any future use of the maps is underscored by the court's response to the temporary stay Justice Alito granted pending completion of briefing on the State's stay applications. Rather than respond to that order by clarifying that it had not yet decided whether the State could still use the maps in the 2018 election cycle, the district court responded by issuing an "advisory" encouraging the parties to continue preparing for its expedited map-drawing hearing "voluntarily" so that the court's own map-drawing efforts could "be resumed expeditiously" if the stay were lifted. C.J.S. App. 425a. As the district court itself thus made plain, new maps for the impending elections were not just a possibility; they were a certainty.

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[7] The State had advised the court in May 2017 that the Secretary of State must provide voter-registration-certificate templates to the State's 254 counties by October 1 to give county officials sufficient time to mail completed certificates to individual voters between November 15 and December 6, as required by Texas Election Code §14.001. *See* J.A. 380a-381a.

The district court's self-serving claim that it "has not enjoined [the plans'] use for any upcoming elections," J.A. 134a, 136a, is therefore no bar to this Court's jurisdiction. No matter how the court labels its orders, they are injunctions in substance. In fact, the court's orders have the exact same practical effect—conclusively invalidating districts—as the orders in numerous other redistricting appeals over which this Court has exercised jurisdiction. *See, e.g.*, *Cooper v. Harris*, 137 S. Ct. 1455 (2017); *Gill v. Whitford*, No. 16-1161 (U.S.). The district court should not be able to deprive the State of the ability to seek the immediate appellate relief Congress intended by refusing to admit what its orders have actually done.

The district court's orders readily satisfy all other aspects of appealability analysis. The orders leave no doubt about what has been enjoined or against whom they run. *Cf. Gunn v. Univ. Comm. to End the War in Viet Nam*, 399 U.S. 383, 388 (1970). They "affect[] predominantly all of the merits," *Salazar*, 671 F.3d at 1262, and alter the status quo, *see Calderon v. U.S. Dist. Ct. for Cent. Dist. of Cal.*, 137 F.3d 1420, 1422 n.2 (9th Cir. 1998); *Cohen v. Bd. of Trs. of the Univ. of Med. & Dentistry of N.J.*, 867 F.2d 1455, 1466 (3d Cir. 1989) (en banc). They are certain to have "serious, perhaps irreparable, consequence," *Carson*, 450 U.S. at 84, because they conclusively and immediately invalidate duly enacted redistricting plans. And the orders can be "'effectually challenged' only by immediate appeal," *id.*, because appellate review only after the imposition of remedial maps would come too late to prevent the irreparable harm of being prohibited from using legislatively enacted maps in the 2018 elections. In short, the orders below are injunctions in everything but name, and as such are immediately appealable under 28 U.S.C. §1253.

Practical considerations reinforce the appealability of the orders under review. While in other contexts the choice may be between orderly review now or later, in the redistricting context the choice is between relatively orderly review by this Court after the three-judge court rejects the legislative map and puts the sovereign on the clock, or extremely expedited review after the three-judge court puts its own maps in place. Deferring this Court's review, as opposed to facilitating this Court's review once the district court has definitively rejected the legislative maps, has little to recommend it from a practical standpoint. In addition, permitting review once a three-judge court definitively rejects the State's maps evens the playing field. If the challengers' objections to the legislative map had been definitively rejected, the challengers would have an immediately appealable order. But when the State's defense of the map has been definitively rejected, appellees would have the State wait until the district court adds the word injunction to its disposition. That makes little sense, especially given the immediate interference with the State's sovereignty when the State is put on the clock to use or lose its primary role over redistricting.

II. The Texas Legislature Did Not Engage In Intentional Discrimination When It Enacted Districts Imposed By The District Court Itself In 2012.

The district court invalidated Plans C235 and H358 on the theory that the Legislature engaged in intentional discrimination when it adopted unchanged districts that the court itself *ordered* the State to use in 2012 after this Court instructed it to "draw interim maps that do not violate the Constitution or the Voting Rights Act." *Perry*, 565 U.S. at 396. The district court did not reach that remarkable result because it identified some "smoking gun" evidence revealing that the legislature actually believed that the court's own interim maps discriminated against minority voters. Indeed, the court did not even conclude that the Legislature deliberately set out to deny or abridge minority voting rights. Instead, the court concluded that the Legislature engaged in intentional discrimination by failing to affirmatively remove (how, the court did not explain) the "taint of discriminatory intent" that infected *the court's own remedial maps* that the Legislature later adopted as its own. That conclusion defies law and logic.

A. The Legislature Did Not Engage in Intentional Discrimination When It Adopted the Court-Ordered Districts as Its Own.

Any effort to invalidate legislation must begin with the "heavy presumption" that the law is constitutional and valid. *U.S. Dep't of Labor v. Triplett*, 494 U.S. 715, 721 (1990). That presumption applies with particular force in the redistricting context. As this Court has reiterated time and again, "[f]ederal-court review of districting legislation represents a serious intrusion on the most vital of local functions," *Miller*, 515 U.S. at 915, as "reapportionment is primarily the duty and responsibility of the State," *Chapman*, 420 U.S. at 27. Moreover, courts must "exercise extraordinary caution in adjudicating claims that a State has drawn district lines on the basis of race." *Miller*, 515 U.S. at 916. A claim that a legislature acted for a constitutionally illegitimate purpose involves "a question of much delicacy, which ought seldom, if ever, to be decided in the affirmative, in a doubtful case." *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87, 128 (1810) (Marshall, C.J.). Accordingly, "the presumption of good faith that must be accorded legislative enactments" applies with the strongest of force when a legislature is accused of enacting intentionally discriminatory redistricting legislation. *Miller*, 515 U.S. at 916.

That grave accusation is at the heart of both intentional-vote-dilution and racial-gerrymandering claims. To prove racial gerrymandering, a plaintiff must prove "that race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." *Id.* To prove intentional vote dilution, a plaintiff must prove not only that the challenged law has the discriminatory "effect of diluting minority voting strength," but also that the law was enacted for a "discriminatory *purpose*." *See, e.g.*, *Shaw v. Reno*, 509 U.S. 630, 641 (1993) (emphasis added). The standard for demonstrating the requisite impermissible intent is appropriately high:

> "Discriminatory purpose" . . . implies more than intent as volition or intent as awareness of consequences. . . . It implies that the decisionmaker . . . selected or reaffirmed a particular course of action at least in part "because of," not merely "in spite of," its adverse effects upon an identifiable group.

Pers. Adm'r of Mass. v. Feeney, 442 U.S. 256, 279 (1979). And where there are "legitimate reasons" for government action, courts may "not infer a discriminatory purpose." *McCleskey v. Kemp*, 481 U.S. 279, 299 (1987).

Applying those exacting standards, this should have been an easy case. In 2013, the Legislature chose to enact districts that had been imposed by a federal court operating under a mandate from this Court to "draw interim maps that do not violate the Constitution or the Voting Rights Act." *Perry*, 565 U.S. at 396. Abiding by that instruction, the district court imposed interim maps that, by its own telling, remedied not just all *actual* constitutional or VRA violations in the 2011 plans, but all "*plausible* legal defects" in those plans. H.J.S. App. 313a (emphasis added). And the court expressly confirmed that its "interim plan . . . does not incorporate any portion of the State map that is allegedly tainted by discriminatory purpose." H.J.S. App. 305a; *see also* C.J.S. App. 408a ("C235 is not purposefully discriminatory").

Taking the court at its word, the Legislature repealed the 2011 plans, enacted unchanged the court-ordered Plan C235, and enacted a House plan that made only minor changes to court-ordered Plan H309. The Legislature was not coy about its reasons for repealing the 2011 plans and embracing the court-ordered remedial plans as its own. As the record makes clear, it adopted those plans because it believed that doing so was its best chance at adopting plans that complied with the Constitution and the VRA and its best hope to bring this litigation to a close. Statutory Appendix 35a-36a.

For example, Representative Darby, the Chairman of the House Select Committee on Redistricting, opined "that the court ordered interim maps are legally sufficient," explaining that they "represent the District Court's best judgment as to . . . fully legal and constitutional redistricting plans." 2017 Joint Ex. 10.4 at 5, 26. Representative Clardy, another member of the House committee, explained: "[I]t's a good, fair map drawn by three hard-working impartial federal judges who are very well acquainted with the law. Don't you think it's reasonable that we use . . . those maps?" 2017 Joint Ex. 13.4 at 151. Senator Seliger, the Chairman of the Senate Redistricting Committee, likewise stated, "The interim plans remedy, we believe, the legal flaws found in the federal court in D.C." 2017 Joint Ex. 26.2 at A-5. And the Legislature enacted the court-ordered maps following the Attorney General's advice that "the best way to remedy the violations found by the D.C. court is to adopt the court-drawn interim plans as the State's permanent redistricting maps." C.J.S. App. 432a.

These myriad state officials certainly had a good-faith basis for that belief. After all, it is hard to imagine more persuasive evidence that a map complies with the Constitution and the VRA than a district court order explicitly finding, consistent with this Court's instruction in

Perry, that the map does not incorporate any "plausible legal defects." H.J.S. App. 313a.

But that was not even the only assurance the Legislature had. The Legislature heard corroborating testimony from the Mexican-American Legal Defense and Educational Fund (MALDEF), an organization representing multiple plaintiffs in this case. MALDEF explained how the court-ordered plans "significantly improve[d]" minority voting strength by changing every district in which the D.C. preclearance court had found intentional discrimination under VRA §5 and creating even more majority-minority districts than that court had found necessary to avoid retrogression. *See* C.J.S. App. 436a-439a.

Democratic legislators testified at trial that they had no reason to believe that any member of the 2013 Legislature acted with a discriminatory purpose. Mexican American Legislative Caucus (MALC) Chairman and Representative Rafael Anchia testified that he had no basis to say that any member of the Legislature voted for Plan H358 for a racially discriminatory purpose, or that Chairman Darby or Speaker Straus would engage in racial discrimination. 2017 Trial Tr. 133-34. In fact, Representative Anchia testified that even he did not have any complaints about Plans C235 or H358 when they were enacted. *Id.* at 720-21.

All of that evidence readily suffices to defeat any claim that the Legislature enacted the court-imposed maps into law in a deliberate effort to sort voters on the basis of race, *Miller*, 515 U.S. at 916, or "because of" any "adverse effects" that the plans might have on minority voters, *Feeney*, 442 U.S. at 279. To the contrary, the record overwhelmingly confirms that the most straightforward answer is the right one: The Legislature adopted the court-ordered interim plans in an effort to enact redistricting plans that complied with the VRA and the Constitution. Accordingly, plaintiffs' intentional-vote-dilution and racial-gerrymandering claims would fail even without reference to the strong "presumption of good faith" that applies in this context, or the "extraordinary caution" federal courts must employ when faced with a claim that a state legislature has engaged in intentional race-based discrimination. *Miller*, 515 U.S. at 916. But with those admonitions, their claims should never have stood a chance.

B. The District Court's "Remove the Taint" Theory of Intentional Discrimination Is Fundamentally Flawed.

Notwithstanding that uncontroverted evidence, the district court reached the remarkable conclusion that the Legislature engaged in intentional discrimination when it adopted as its own the same plans that the court itself *ordered* the State to use in the 2012 elections. The court invalidated two congressional districts and state-house districts in three counties that had been adopted *verbatim* from its own remedial maps—even though the court had expressly considered the very same constitutional and VRA challenges to the very same districts five years earlier and found that they were unlikely to succeed, adequately addressed in the interim plans, or not even "plausible." H.J.S. App. 313a; C.J.S. App. 423a.

Unsurprisingly given the record evidence, the district court did not actually find that the Legislature was predominantly motivated by race when it embraced those districts as its own, or that the Legislature enacted any of those districts for the express purpose of adversely affecting minority voters. The court never even asked what the Legislature's predominant motive was, or whether it embraced any districts because they would harm minority voters. Instead, the court concluded that the Legislature engaged in "intentional discrimination" for a different reason entirely: because it failed to "remove" the purported "discriminatory taint" from the court-imposed plans. C.J.S. App. 46a. In other words, the court concluded that the Legislature engaged in *intentional discrimination* by enacting plans *imposed by the court itself* because those *court-imposed* plans were purportedly infected with *intentional discrimination*. That conclusion suffers multiple legal defects and flunks the commonsense test to boot.

The first fatal problem with the district court's reasoning is that it vitiates the strong "presumption of good faith" and the "extraordinary caution" courts must employ when confronting intentional-vote-dilution and racial-gerrymandering claims. *Miller*, 515 U.S. at 916. The 2013 plans are duly enacted legislation entitled to the same presumption of constitutionality that applies to any other redistricting legislation. That presumption does not disappear just because those were not the first maps the Legislature enacted, or because the district court found the Legislature's previous maps deficient (albeit in an advisory opinion on moot claims, *see infra* pp. 42-44).

That is clear from this Court's repeated admonitions that courts must "afford a reasonable opportunity for *the legislature* to" remedy an invalid law "by adopting a substitute measure," *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (principal op.) (emphasis added), because redistricting is *always* "primarily the duty and responsibility of the State," *Chapman*, 420 U.S. at 27; *see also, e.g.*, *Growe v. Emison*, 507 U.S. 25, 34 (1993). That rule would be meaningless if "remedial" redistricting legislation were treated as presumptively suspect and not entitled to the same presumptions of constitutionality and good faith as any other redistricting legislation.

The district court's task here thus should have remained the same as in any other case alleging racial-gerrymandering and intentional-vote-dilution: to ask whether the plaintiffs proved that the Legislature intentionally sorted voters on the basis of race, *Miller*, 515 U.S. at 916, or enacted the map "because of" its "adverse effects" on minority voters, *Feeney*, 442 U.S. at 279. By instead requiring *the Legislature* to prove that it "removed" purported discriminatory taint from an earlier map, the court not only asked the wrong questions, but reversed the burden of proof entirely.

While that alone is reason to reject the district court's analysis, it is just the first of many problems with requiring the Legislature to prove that it "removed" the purported "discriminatory taint" of earlier legislation. C.J.S. App. 46a. That reasoning suffers from the equally fundamental problem that it is incoherent. It is one thing to ask whether new legislation removes the discriminatory *effects* of previous legislation, for *effects* may be carried over (wittingly or unwittingly) from one version of a law to another. But it makes no sense whatsoever to ask whether new legislation removes the "taint" of discriminatory *intent* from an earlier enactment. C.J.S. App. 46a.

Outside of cases of express, facial discrimination, discriminatory *intent* is not indelibly ingrained in statutory text or lines on a map. It is a question of *motive* that turns on *why* the legislature enacted the law. The premise of such claims is that a different legislature could permissibly adopt the same legislation without a discriminatory motive. *See, e.g.*, *Palmer v. Thompson*, 403 U.S. 217, 225 (1971) (noting that a law invalidated because of improper motive "would presumably be valid as soon as the legislature or relevant governing body repassed it for different reasons"). Thus, when a different legislature adopts a court-drawn map with a different, non-racial motive, any talk of removing taint from the court-drawn plan (or the earlier legislative act on which the court-drawn map was based) is a non sequitur.

That is clear from the very case on which the district court relied in concluding otherwise. *Hunter v. Underwood*, 471 U.S. 222 (1985), involved a statute that had been in effect unchanged for more than 80 years and admittedly had been "motivated by a desire to discriminate against blacks on account of race" when enacted. *Id.* at 233. While the Court invalidated the statute on intentional-discrimination grounds, the Court expressly *reserved* the question of whether the same law "would be valid if enacted today without any impermissible motivation." *Id.* The Court not only viewed itself as reserving, rather than deciding, that question, but did so without suggesting a need for some kind of exorcism to remove the discriminatory intent of an earlier legislature.[8]

Moreover, the 2013 maps were not only enacted by a different legislature than the 2011 maps, but were adopted after the intervening effort of the three-judge court enforcing this Court's mandate to remedy any constitutional problems. Thus, whatever intentions the 2011 Legislature may have harbored, those intentions cannot plausibly be deemed to have carried over to the plans imposed *by the district court itself* just because those plans did not change each and every aspect of the 2011 plans. Indeed, by that logic, the court itself must have engaged in intentional discrimination when it imposed Plans C235 and H309, as the court was just as guilty of failing to "remove" any lingering "taint" in the 2011 plans as the 2013 Legislature was.

All of that just goes to show the incoherence that results from the district court's approach. Any legal test that leads to the bizarre result that a legislature engaged in *intentional* discrimination by enacting *court-imposed* maps designed to remedy discrimination cannot possibly be right. After all, there must be some way for a legislature to enact redistricting legislation and end redistricting litigation without getting caught "between the competing hazards of liability" under the multitude of restrictions that govern redistricting. *Bush v. Vera*, 517 U.S. 952, 977 (1996) (plurality opinion). If adopting a court-imposed interim plan that the court itself declared sufficient to remedy all "plausible legal defects" under either the Constitution or the VRA does not suffice, H.J.S. App. 313a, then it is difficult to imagine what could.

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[8] The Fifth Circuit cases on which the district court relied do not support its position either. To the contrary, those cases reinforce the conclusion that the only intent that matters is the intent of the legislature that adopts the challenged law. *See, e.g.*, *Cotton v. Fordice*, 157 F.3d 388, 391 (5th Cir. 1998) (finding new version of law comparable to law invalidated in *Hunter* constitutional because, inter alia, legislature did not enact it for a discriminatory purpose).

In fact, the district court's opinions tellingly provide no clue as to what the court believed the Legislature could or should have done to remove the supposed "taint" from the court-ordered plans. To the contrary, the court's own analysis confirms that, in its view, there was nothing the 2013 Legislature could do to remove the "taint." There is no better illustration of that once-bitten-forever-damned mentality than the court's analysis of HD90. Unlike any of the other districts from the 2013 maps that the court invalidated, HD90 actually was redrawn by the 2013 Legislature. And the district court expressly held that the plaintiffs' intentional-vote-dilution challenge to the redrawn HD90 "fails because of a lack of discriminatory intent." H.J.S. App. 84a. Yet, even though the court expressly found that the plaintiffs failed to show that the 2013 Legislature engaged in intentional discrimination as to HD90, the court *still* found that HD90 was "tainted" by the purported intentional discrimination of the 2011 Legislature. H.J.S. App. 83a. As that confirms, the district court's "remove-the-taint" theory not only has no basis in law or logic, but is ultimately impossible for a legislature to satisfy. Thus, just like six years ago, the district court here was determined to impose "independent map[s]" based on its particular view of "the interest of the collective public good." *Perry*, 565 U.S. at 396.

C. The District Court Did Not and Could Not Find Intentional Discrimination on the Basis of Race.

Under a correct application of the correct legal standards, the district court had no basis to conclude that the Legislature engaged in racial gerrymandering or intentional vote dilution when it adopted the court's remedial maps as its own. In concluding otherwise, the court relied principally on its view that the Legislature enacted the court-imposed plans "as part of a litigation strategy," rather than because it had "a change of heart concerning the validity of any of Plaintiffs' claims in either this litigation or the D.C. Court litigation." C.J.S. App. 40a, 41a. That is both factually misguided and legally irrelevant, as it has nothing to do with whether the Legislature sorted voters on the basis of race or intentionally diluted minority voting strength.

At the outset, the district court's characterization of the Legislature is difficult to reconcile with the uncontested evidence that the Legislature adopted the court-ordered plans because it believed that they remedied any valid legal claims. *See supra* p.27. Moreover, to the extent the court sought to attribute impermissible motive to *the Legislature* because *defendants* have defended the 2011 maps in litigation, *see* C.J.S. App. 42a ("Defendants sought to avoid any liability for the 2011 plans . . . ."), that not only is wrong as matter of fact, but would seem to suggest that the very act of defending allegedly discriminatory legislation would itself constitute discrimination—a result that is not and cannot be the law, and that would raise serious due process concerns if it were.

But more fundamentally, it is not clear how a legislature can endeavor to avoid potential VRA challenges without considering "litigation strategy." Nor is it clear why there is anything remotely sinister, let alone unconstitutional, about a legislature trying to bring existing litigation to an end. A legislature that did not take such considerations into account to any degree, especially in a context as fraught with litigation as redistricting, would be a poor steward of the public interest. There is thus nothing constitutionally suspect about repealing a law that has come under constitutional and statutory attack and replacing it with a law that likely remedies any perceived legal deficiencies and is therefore likely to terminate or at least abbreviate ongoing litigation. To the contrary, that is precisely the kind of conciliatory and resource-saving action that courts (and plaintiffs) should *encourage* legislatures to take. *See, e.g., Am. Library Ass'n v. Barr*, 956 F.2d 1178, 1187 (D.C. Cir. 1992) ("passing legislation designed to repair what may have been a constitutionally defective statute . . . represents responsible lawmaking, not manipulation of the judicial process").

And it would make no sense whatsoever to require a legislature to confess the purported error of its past ways—let alone confess the purported error of a *past* legislature's past ways—before treating the decision to accede to a court-ordered remedy as the conciliatory act that it is. Much litigation settles without an admission of wrongdoing, and forcing a legislature to cry not only "uncle," but "mea culpa," is unrealistic and counterproductive, not to mention legally unfounded.

In all events, even assuming there were something untoward about embracing a court-ordered remedy "as part of a litigation strategy," C.J.S. App. 40a, that has nothing to do with racial gerrymandering or intentional vote dilution. Racial gerrymandering turns on whether "race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." ***Miller***, 515 U.S. at 916. Intentional vote dilution turns on whether the legislature enacted a particular district because it intended to dilute minority voting strength. *See Shaw v. Reno*, 509 U.S. at 641. A legislature does not act with either of those impermissible race-based motivations just because it enacts a court-ordered remedy out of a desire to end litigation over whether a different legislature acted with impermissible purpose when enacting different legislation.

The district court seemed to think otherwise because it was convinced that the Legislature believed that it had somehow "insulate[d]" the 2013 maps from all legal challenges. C.J.S. App. 41a. That is simply wrong. Defendants do not contend, and have never contended, that the 2013 maps are immune from judicial review. Their contention is that any intentional-discrimination challenges to those maps must be based on the intentions of the

Legislature that enacted them—*i.e.*, the 2013 Legislature, not the 2011 Legislature—and must be judged against the same presumption of good faith, and under the same "predominant motive" and "because of race" standards, that would apply to any other racial-gerrymandering and intentional-vote-dilution claims. It is the district court's failure to abide by those settled legal principles, not its decision to subject the maps to any judicial review at all, with which defendants take issue.

The district court made much the same mistake in placing great weight on the fact that its decision imposing the interim maps was only preliminary. C.J.S. App. 42a. That is certainly correct, as the court could not issue a final ruling on the merits of any claims asserted against the 2011 maps because those maps had not obtained VRA §5 preclearance. Not only were the 2011 maps repealed in 2013, but they never even became law because they were never precleared, and thus "could not cause appellees injury through enforcement or implementation." *Branch v. Smith*, 538 U.S. 254, 284 (2003) (Kennedy, J., concurring); *Connor v. Waller*, 421 U.S. 656, 656 (1975) (per curiam) (holding that challenged acts "are not now and will not be effective as laws until and unless cleared pursuant to § 5").

But the fact that the court's decision was not final is irrelevant to the intentional-discrimination question. Again, defendants are not arguing that plaintiffs' challenges to the 2013 plans are flatly barred through some sort of law-of-the-case or estoppel theory. Defendants simply argue that the motivations of the 2013 Legislature must be assessed in light of the fact that the Legislature enacted the 2013 plans only after the district court issued a decision explaining in exhaustive detail why it believed that those court-imposed maps remedied all "plausible legal defects" in the 2011 plans. H.J.S. App. 313a. Surely the Legislature could rely in good faith on that decision even though it was preliminary—particularly given that the decision came after the court held two weeks of trial, received explicit instructions from this Court, considered extensive briefing before and after this Court's decision, and heard on remand two additional days of argument from all interested parties.

Finally, the district court truly devolved to absurdity when it criticized the Legislature's "refusal to consider" creating "coalition" districts[9] or violating the Texas Constitution's whole-county provision[10] in certain areas. C.J.S. App. 40a. The court itself rejected the plaintiffs' claims that the Legislature discriminated by failing to create coalition districts because the plaintiffs failed to prove cohesion between African-American and Hispanic voters.[11] C.J.S. App. 117a; H.J.S. App. 12a, 26a. And it expressly declined to hold that VRA §2 compelled the Legislature to violate the whole-county provision. *See* H.J.S. App. 50a. The Legislature cannot plausibly have engaged in *intentional discrimination* by declining to draw districts that the court itself concluded were not actually required by the VRA. The court's seeming belief otherwise is at considerable odds with the skepticism this Court has expressed "of a claim that seeks to invalidate a statute based on a legislature's unlawful motive but does so without reference to the content of the legislation enacted." *LULAC v. Perry*, 548 U.S. 399, 418 (2006).

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[9] A "coalition" district is a district in which two or more minority groups must be combined to form a majority of eligible voters. *See, e.g.*, *Perry*, 565 U.S. at 398. A "crossover" district, by contrast, is "one in which minority voters make up less than a majority of the voting-age population" but may nevertheless elect their preferred candidates because enough members of the majority "cross over to support the minority's preferred candidate." *Bartlett v. Strickland*, 556 U.S. 1, 13 (2009).

[10] Tex. Const. art. III, §26.

At bottom, the district court reached the wrong result because it asked the wrong question. What matters is not whether the 2013 Legislature "removed the taint" from the court-ordered interim maps before it enacted them as its own, but rather whether the 2013 Legislature enacted those maps in an avowed effort to sort voters on the basis of race, or because they would dilute minority voting strength. Particularly given the strong presumption of good faith, and the extraordinary caution that courts must exercise before concluding that a legislature engaged in intentional discrimination on the basis of race, there is no plausible basis from which a court could conclude on this record that the Legislature engaged in racial gerrymandering or intentional vote dilution when it embraced court-imposed districts as its own.

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[11] This was undoubtedly correct, but the district court's holding that the VRA may require coalition districts is unfounded. *See Perry*, 565 U.S. at 399 ("If the District Court did set out to create a minority coalition district, rather than drawing a district that simply reflected population growth, it had no basis for doing so. Cf. *Bartlett v. Strickland*, 556 U.S. 1, 13–15 (2009) (plurality opinion)."); *Bartlett*, 556 U.S. at 15 ("Nothing in §2 grants special protection to a minority group's right to form political coalitions."). The district court's own opinions confirm that coalition districts present the same practical and constitutional pitfalls that led this Court to hold that VRA §2 does not require crossover districts. *See id.* at 17 (explaining that crossover-district claims "would place courts in the untenable position of predicting many political variables and tying them to race-based assumptions"); *cf.* C.J.S. App. 53a-85a (considering extensive analysis of racial voting patterns by multiple experts to determine political cohesion among African-American and Hispanic voters).

III. The Court-Imposed Plans Were Not Infected By Any "Taint" Of Intentional Discrimination.

Because the Texas Legislature did not engage in intentional discrimination on the basis of race when it adopted the district court's remedial maps as its own in 2013, the question whether the 2011 Legislature engaged in intentional discrimination when it enacted the long-ago-repealed 2011 maps is both moot and legally irrelevant. That said, there was no intentional discrimination reflected in any district in the court-ordered plans. The district court's interim plans preserved the challenged districts from the 2011 maps because the court recognized then what it should have recognized again in 2017: those districts were not "tainted" with any discrimination in the first place.

A. The District Court Lacked Jurisdiction to Adjudicate Moot Challenges to the 2011 Plans.

The district court's conclusion that the 2013 plans were infected with lingering "taint" in need of "cleansing" rests entirely on advisory opinions that the court had no authority to enter. Article III requires that "an actual controversy . . . be extant at all stages of review, not merely at the time the complaint is filed." *Arizonans for Official English v. Arizona*, 520 U.S. 43, 67 (1997). And where, as here, a lawsuit challenges the validity of a statute, the controversy ceases to exist if the statute is repealed. *E.g.*, *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477 (1990). If a challenged statute no longer exists, then absent unusual circumstances not present here there is no cognizable controversy over that law, and any cases challenging it must be dismissed as moot. *See, e.g.*, *Growe*, 507 U.S. at 30; *Burke v. Barnes*, 479 U.S. 361, 363 (1987); *Diffenderfer v. Cent. Baptist Church of Miami, Fla., Inc.*, 404 U.S. 412, 414-15 (1972) (per curiam).

Applying that settled rule, a unanimous panel of the Fifth Circuit—in an opinion authored by Judge Higginson and joined by Chief Judge Stewart and Judge Jones—held that claims against Texas's 2011 redistricting plans "became moot" when the 2013 Legislature "repealed the 2011 plan and adopted the district court's interim plan in its place." *Davis v. Abbott*, 781 F.3d 207, 220 (5th Cir.), *cert. denied*, 136 S. Ct. 534 (2015). Here, too, as Judge Smith recognized in dissent, plaintiffs' claims against the 2011 plans should have been dismissed as moot once those plans were repealed. C.J.S. App. 336a-349a. In fact, certain Appellees have acknowledged that "any challenge to the continued use of Plan H283 would be moot." MALC Motion to Dismiss or Affirm 1, *Abbott v. Perez*, No. 17-626 (Nov. 29, 2017).

As explained above, the district court *never* acquired jurisdiction to enter judgment on the merits of the challenges to the 2011 plans because those plans were never precleared. *See supra* p.38. But in all events, those claims certainly should have been dismissed once the Legislature repealed them—a reality that the district court itself acknowledged when it stated that it would "evaluate the discriminatory effect of Plan C185 in terms of its effect on voters *had it been used*." C.J.S. App. 265 n.97 (emphasis added).

The district court did not and could not claim that any exceptions to mootness apply. This does not fall within the voluntary-cessation exception, as the Legislature did not announce its intention to reenact "precisely the same provision" once litigation ends, *City of Mesquite v. Aladdin's Castle, Inc.*, 455 U.S. 283, 289 (1982), or to replace the 2011 plans with "virtually identical" ones, *Ne. Fla. Chapter of Associated Gen. Contractors of Am. v. City of Jacksonville*, 508 U.S. 656, 661 (1993). Just the opposite: the district court found that the Legislature "has repealed the 2011 plans and *does not intend to implement them*." J.A. 64a (emphasis added). Plus, given the presumption of good faith and constitutionality, *e.g.*, *Miller*, 515 U.S. at 916, a government's decision to formally repeal legislation is not viewed with the same "critical eye" for mootness purposes as a private party's mere change in litigation position, *Knox v. SEIU, Local 1000*, 567 U.S. 298, 307 (2012).

Finally, the plaintiffs' request for preclearance "bail-in" under VRA §3(c) does not change the analysis. Preclearance is a remedy, not a claim or an injury. The right to a remedy does not arise until the plaintiff prevails on a claim, and thus cannot substitute for Article III injury. *See Vermont Agency of Nat. Res. v. U.S. ex rel. Stevens*, 529 U.S. 765, 773 (2000) ("an interest that is merely a 'byproduct' of the suit itself cannot give rise to a cognizable injury in fact for Article III standing purposes"). Accordingly, to seek bail-in, a plaintiff must first prevail on the merits of a constitutional claim that satisfies Article III's case-or-controversy requirement. Here, any threat of injury from the 2011 redistricting plans disappeared when the Legislature repealed them. The plaintiffs' request that the district court reimpose preclearance on the State under VRA §3(c) thus could not keep their moot challenges to the repealed 2011 plans alive. It could hardly be otherwise: bail-in is a remedy that, if ordered, subjects a state to special rules that undermine its sovereignty; litigation to determine whether bail-in is appropriate would be question-begging if the litigation itself subjected a state to special rules that undermined its sovereignty.

In sum, the district court never had jurisdiction to force the State to spend four years defending legislation that was repealed in 2013. Its insistence on doing so was just part and parcel of the court's erroneous and incoherent effort to saddle the State with the burden of proving that the court's own interim maps removed any lingering "taint of discriminatory intent."

B. The Court-Imposed Maps Were Not "Tainted" by Intentional Discrimination.

Even setting aside the jurisdictional problem, the district court's conclusions regarding the invalidated districts that were also in the 2011 plans are simply wrong. Indeed, the district court itself correctly rejected all of those claims in 2012 when it incorporated those districts in the interim plans, and the majority should have followed Judge Smith's lead in doing so again in 2017.

1. CD35 Is Not and Never Was a Racial Gerrymander.

To prevail on a racial-gerrymandering claim, the plaintiff must prove that race was "the 'predominant factor' motivating the legislature's districting decision." *Hunt v. Cromartie*, 526 U.S. 541, 547 (1999). If race is proven to be the predominant motive, then strict scrutiny applies. *Cooper*, 137 S. Ct. at 1464. The State satisfies strict scrutiny if it had a "strong basis in evidence" to believe that the VRA required it to draw an additional minority opportunity district. *Id.* "[T]he requisite strong basis in evidence exists when the legislature has '*good reasons* to believe' it must use race in order to satisfy the Voting Rights Act." *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 801 (2015) (quoting *Ala. Legis. Black Caucus v. Alabama*, 135 S. Ct. 1257, 1274 (2015)).

Of course, the plaintiffs' racial-gerrymandering challenge to CD35 fails at the outset because "the 2013 Legislature did not draw the challenged districts in Plan C235." C.J.S. App. 34a; *id.* at 115a-116a ("There is no evidence that the Legislature again considered in 2013 which persons to include within CD35 . . . ."). But even assuming for the sake of argument that race predominated when the *2011 Legislature* drew CD35, both its decision to draw CD35 and the 2013 Legislature's decision to enact a court-ordered plan that retained CD35 would readily survive strict-scrutiny review. The 2013 Legislature had the best possible basis to believe that retaining CD35 was necessary to comply with VRA §2: The district court itself concluded as much in 2012. C.J.S. App. 423a.

CD35 is a Hispanic-opportunity district that runs along the Interstate-35 growth corridor between Austin and San Antonio. The configuration of the district was proposed by MALDEF, C.J.S. Supp. App. 315a, and supported by the Texas Latino Redistricting Task Force plaintiffs, C.J.S. App. 174a, based on their position (not disputed by any plaintiff) that VRA §2 requires seven Hispanic-opportunity districts in south and west Texas, *see* Mot. to Dismiss or Affirm 30, *Abbott v. Perez*, No. 17-586 (Nov. 20, 2017). Democratic politicians also supported creating a Hispanic-opportunity district connecting Austin with San Antonio. Among others, former Texas Senators Gonzalo Barrientos and Joe Bernal testified that CD35 "connects communities of interest," C.J.S. Supp. App. 321a, and that "people in those parts of San Antonio [covered by CD35] have more in common with people in southeast Austin than with people in more affluent areas of San Antonio such as Alamo Heights (in CD21)." *Id.*

After considering the plaintiffs' claims in 2012, the district court explained that Plan C235 sufficiently addressed the plaintiffs' claim that VRA §2 required "7 Latino opportunity districts in South/Central/West Texas" by including seven such districts—one of which was CD35. C.J.S. App. 423a. The court also acknowledged that the Legislature had good reasons to create a new district along the Interstate-35 growth corridor, finding it "undisputed that much of Texas's overall population growth occurred in Bexar County and Travis County and areas along the I-35 corridor." C.J.S. App. 408a; *see also* Joel Kotkin, *America's Next Great Metropolis Is Taking Shape In Texas*, Forbes (Oct. 13, 2016), https://perma.cc/VLM7-KMV8 (noting that the I-35 corridor "is expanding more rapidly than any other in the nation," and that "no regional economy . . . has more momentum than the one that straddles the 74 miles between San Antonio and Austin").

The district court nevertheless found in 2017 that CD35 was racially gerrymandered, reasoning that because there is no racial bloc voting in Travis County (part, but not all, of which is included in CD35), VRA §2 could not require the Legislature to include any part of Travis County in a minority-opportunity district. C.J.S. App. 176a-177a.[12] That conclusion cannot be reconciled with this Court's precedent, which required the district court to consider the *entire* territory covered by CD35 *as drawn* rather than a specific county, part of which is not in the district at issue. *See Bethune-Hill*, 137 S. Ct. at 800 ("The ultimate object of the inquiry . . . is . . . the district as a whole."). Moreover, strict scrutiny does not require a showing that the VRA *in fact* required the Legislature to create the district exactly as drawn; instead, it is enough that the Legislature had "good reasons" to believe that the VRA required it. *Cooper*, 137 S. Ct. at 1464.

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[12] The district court noted that CD35 included territory in Travis County that had been in the former CD25, a crossover district. But the court did not find vote dilution based on the elimination of a preexisting crossover district. *See* C.J.S. App. 110a n.83. Nor could it have, as most of the Travis County Hispanic population in the previous crossover district was placed in CD35, a new Hispanic-opportunity district, so this population could not possibly have suffered vote dilution.

Here, the district court itself concluded in 2012 that the creation of CD35 as a minority-opportunity district was necessary to address the Task Force plaintiffs' VRA §2 claims. *See* C.J.S. App. 409a, 415a, 423a. If the district court had "good reasons" to believe that CD35 needed to be drawn as a minority-opportunity district to address potential VRA §2 claims, then surely the Legislature did too. If a Legislature cannot maintain a minority-opportunity district even when a federal court has expressly concluded that doing so is necessary to remedy a potential VRA §2 violation, then States would be left without the "breathing room" to which this Court's precedent and the Constitution entitles them. *Cooper*, 137 S. Ct. at 1464 (quoting *Bethune-Hill*, 137 S. Ct. at 802).

2. There Is Not and Never Was Intentional Vote Dilution In CD27.

a. The district court's ruling that CD27 was the product of intentional vote dilution is equally flawed. As explained, *see supra* p.25, to establish intentional vote dilution, a plaintiff must establish not only discriminatory intent, but discriminatory vote-dilutive effect. *E.g.*, *Shaw v. Reno*, 509 U.S. at 641. After all, a legislature's "motivations" alone cannot "violate equal protection." *Palmer*, 403 U.S. at 224. And to establish the effects prong of an intentional-vote-dilution claim, a plaintiff must prove that there is "the possibility of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of [the minority group's] choice." *LULAC*, 548 U.S. at 430 (quoting *Johnson v. De Grandy*, 512 U.S. 997, 1008 (1994)). For VRA §2 purposes, "a sufficiently large minority population" means a minority population of at least 50%. *Bartlett*, 556 U.S. at 19.[18]

The district court in 2017 correctly found that CD27 does "not diminish Hispanic voter opportunity for § 2 effects purposes" because "no additional compact Latino opportunity district could be drawn" in the region. C.J.S. App. 113a. And the court correctly rejected the notion that "any voter with a § 2 right must be placed into a § 2 district, or that Nueces County Hispanics would have had a right to be included in a Latino opportunity district under any circumstances." *Id.* at 112a n.85; *see Shaw v. Hunt*, 517 U.S. 899, 917 n.9 (1996). Those findings suffice to establish that Plan C235 did not dilute Hispanic voting strength in this region—in other words, that there was no vote dilution.

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[18] A group that cannot meet the 50% threshold cannot establish a vote-dilution effect because it is not sufficiently large to "elect representatives of [its] choice," 52 U.S.C. §10301(b). So any claim of unconstitutional racial discrimination against a group too small to form a majority would necessarily be a racial-gerrymandering claim, requiring proof that race predominated in placing the group within a particular district, *Bethune-Hill*, 137 S. Ct. at 799.

The district court nevertheless held that the 2013 Legislature did not "substantially address" the VRA §2 challenges to CD27 because it "impermissibly trad[ed] the § 2 rights of Nueces County Hispanic voters for those in Travis County, who lacked a § 2 right to a Latino opportunity district." C.J.S. App. 112a. That conclusion has no basis in fact or law. There is no evidence that the 2011 Legislature had Travis County (or the separately challenged CD35 including part of Travis County) in mind when it configured CD27, much less that it intentionally "traded" voting rights between the districts.

The district court's contrary conclusion rests on a false analogy to *LULAC v. Perry*, 548 U.S. at 429-30, which held that a State cannot offset the loss of a majority-minority district required by VRA §2 by creating a *noncompact* majority-minority district elsewhere in the State. C.J.S. App. 180a-181a. But this case does not involve "trading" a compact majority-minority district for a noncompact one. To the contrary, both the 2011 plan and the 2013 plan undisputedly *increased* the number of Hispanic-opportunity districts in South and West Texas from six to seven by adding CD35, and maintained the existing Hispanic-opportunity district based in Cameron County (formerly CD27, renamed CD34). *See Texas*, 887 F. Supp. 2d at 153 (explaining that CD34 offset changes to CD27 for purposes of VRA §5 retrogression). The Legislature did not "trade" Nueces County Hispanics'

VRA §2 voting rights at all—as the district court correctly recognized when it rejected this exact same theory in 2012. *See* C.J.S. App. 421a & n.106. Nothing has changed since then.

b. In all events, the plaintiffs produced no evidence that the Legislature configured CD27 "'because of,' not merely 'in spite of,' its adverse effects upon" Hispanic voters in Nueces County. ***Feeney***, 442 U.S. at 279. The 2011 Legislature configured CD27 based on specific, race-neutral requests to make Corpus Christi in Nueces County (2010 Census population: 305,215[14]) the anchor of a congressional district separate from Brownsville in Cameron County (2010 Census population: 175,023[15]), two major cities over 160 miles apart with competing ports and different media markets. *See* C.J.S. Supp. App. 288a-291a. Before 2011, CD27 included both cities, as it stretched from Nueces County south to include Cameron County in the Rio Grande Valley.

In hearings held before the 2011 legislative session, voters and political leaders in Nueces County expressed their desire for a Nueces County-anchored district that included the coastal counties to the north; similarly, voters and political leaders in the Rio Grande Valley wanted a congressional district anchored in Cameron County. *See, e.g.*, *id.*; 2014 Ex. D-574. Multiple legislators also supported separating Nueces and Cameron Counties so that the Rio Grande Valley would get an additional congressional seat. *See* Aug. 2014 Trial Tr. 1076-77; *id.* at 444-45; 2014 Ex. D-607; 2014 Ex. D-574 at 79. Following this input, the 2011 Legislature created separate congressional districts anchored by Nueces and Cameron Counties. CD34—a Hispanic-opportunity district anchored in Cameron County—provided voters in the Rio Grande Valley with the opportunity to elect an additional member. CD27, anchored in Nueces County, included the incumbent congressman's residence and coastal counties to the north. C.J.S. Supp. App. 295a-296a.

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[14] *See* U.S. Census Bureau, QuickFacts, Corpus Christi, Texas, https://www.census.gov/quickfacts/fact/table/corpuschristicitytexas/PST045216.

[15] *See* U.S. Census Bureau, QuickFacts, Brownsville, Texas, https://www.census.gov/quickfacts/fact/table/brownsvillecitytexas/PST045216.

The district court dismissed this substantial and uncontroverted evidence as playing only "a small role" in the creation of CD27, C.J.S. App. 193a, and concluded that the 2011 Legislature's true motive was to dilute Hispanic voting strength. The court reasoned that Nueces County Hispanic voters "were intentionally deprived of their right to elect candidates of their choice," C.J.S. App. 112a, merely because the 2011 Legislature was aware that CD27 would likely be a Republican-leaning district and that most Hispanic voters in Nueces County were not Republicans. That is wrong as a matter of law. "'Discriminatory purpose' . . . implies more than intent as volition or intent as awareness of consequences." ***Feeney***, 442 U.S. at 279. To treat mere awareness that Hispanic voters will be placed in a Republican-leaning district as sufficient to establish intentional discrimination on the basis of race would lead to the absurd result that the Texas Legislature can *never* knowingly place Hispanic voters in a Republican-leaning district.

In any case, placing Nueces County Hispanic voters in CD27 makes little sense as a vote-dilution strategy. With or without Nueces County voters, it is not possible to create more than seven Hispanic-opportunity districts in the region. C.J.S. App. 113a. So a nefarious map-drawer would have *packed* Hispanic voters into those majority-minority districts—rather than place them in a separate district like CD27. Likewise, the district court's conclusion that the Legislature "chose to put [Nueces County Hispanic] voters" in CD27 "to protect an incumbent who was not the candidate of choice of those Latino voters," *id.* at 191a, is illogical. If anything, incumbent protection would be a reason to *exclude* voters unlikely to support the incumbent. *See, e.g.*, *LULAC*, 548 U.S. at 441. But the Legislature did just the opposite in CD27.

The only explanation that accounts for the Legislature's decision to include all of Nueces County in CD27, as opposed to a small portion around the incumbent's residence, is that the Legislature wanted to keep Nueces County whole as the anchor of a congressional district. That purpose is permissible, race-neutral, and fully supported by the record. There is not a shred of evidence that the 2011 Legislature placed Nueces County in CD27 because it intended to disadvantage Hispanic voters—let alone sufficient evidence to overcome the presumption of good faith.

3. The Legislature Did Not Engage in Intentional Vote Dilution in Bell County (HD54).

a. Much like with CD27, the plaintiffs' intentional-vote-dilution challenges to the state-house districts in Bell County fail at the outset because there concededly is no vote-dilutive effect. It is undisputed that a "majority-minority-CVAP" district *cannot* be drawn in Bell County. H.J.S. App. 180a. The district court thus correctly found that there is "no § 2 results violation" in Bell County. H.J.S. App. 18a. That should have ended the intentional-vote-dilution-inquiry too. *See Shaw v. Reno*, 509 U.S. at 641.

b. Regardless, there was no basis for the court to find intentional discrimination either, as the 2011 Legislature plainly drew the Bell County state-house districts with incumbency and "partisan advantage," not race, in mind. *See* H.J.S. App. 278a (Smith, J., dissenting). Before 2011, HD54 contained all of Burnet County, all of Lampasas County, and a small portion of western Bell County that included almost all of the City of Killeen, where incumbent Republican Representative Aycock lived. HD55 included the rest of Bell County, including its eastern cities of Temple and Belton. Due to population growth, however, HD54 could no longer include both Burnet County and Lampasas County. H.J.S. Supp. App. 277a-278a. HD54 would have to jettison Burnet County—the more populous of the counties—to keep western Bell County and Representative Aycock's home in the district. July 2014 Trial Tr. 1727.

Losing "heavily Republican" Burnet County created political risk for Representative Aycock, who was therefore "anxious to gain Republican strength and looked for places that could be done." H.J.S. Supp. App. 278a. He and his colleague from HD55 accordingly reached a compromise whereby HD54 would take from HD55 the Village of Salado in south-central Bell County, a Republican stronghold, to shore up HD54 and Representative Aycock's incumbency. *Id.* That undisputed motivation behind HD54 precludes any finding of intentional race-based discrimination, as districting to protect incumbents is a race-neutral explanation, "even if it so happens that the most loyal Democrats happen to be [minorities] and even if the State were *conscious* of that fact." *Hunt v. Cromartie*, 526 U.S. at 551.

The district court clearly erred in concluding otherwise. The court complained that a small part of the City of Killeen, which happened to include some minority voters, was moved from HD54 to HD55. H.J.S. App. 21a-22a. But dividing Killeen was necessary to keep Lampasas County in HD54, and given Killeen's very diverse and integrated population, dividing the city in *any* way would incidentally affect some minority voters. *Id.* at 15a. The court also faulted Representative Aycock for objecting to "plans . . . (such as Plan H202 and Plan H232) that would have kept the City of Killeen more whole in one district." *Id.* at 182a. But the substantial and unrebutted evidence showed that Representative Aycock declined to support those plans because he wanted to preserve his incumbency and maintain his relationship with constituents in Lampasas County. July 2014 Trial Tr. 1744, 1769-70.

In any event, the court itself found that "the Legislature's intentional failure to create the proposed districts was not intentional vote dilution," H.J.S. App. 18a, so it is hard to see how failure to support those proposals could amount to intentional discrimination. In short, there is no evidence that Representative Aycock, let alone the Legislature as a whole, had the specific purpose of harming minority voters when drawing HD54.

c. The district court also erred in concluding that the 2011 Legislature engaged in invidious vote dilution under the one-person, one-vote doctrine because it failed to justify a minor 3.32% population deviation between HD54 and HD55. *Id.* at 269a. That conclusion is contrary both to this Court's one-person, one-vote doctrine and to the record (and, in any event, cannot be attributed to the 2013 Legislature).

First, the district court cited no authority for its apparent view that a one-person, one-vote violation may be found based on the deviation between two specific districts, as opposed to the maximum deviation among all districts in a statewide plan. Relying on *Brown v. Thomson*, 462 U.S. 835, 842 (1983), the court posited that "the geographic scope of a one person, one vote claim . . . is whatever the plaintiff makes it." H.J.S. App. 224a. But *Brown* does not stand for the proposition that plaintiffs may base one-person, one-vote claims on *de minimis* deviations in discrete geographic areas. To the contrary, *Brown* simply establishes that a statewide plan may be challenged when one district drastically deviates (there, by more than 60%) from the statewide average. 462 U.S. at 846. *Brown* thus provides no support for the district court's radical conclusion that States must justify any deviation in any district, no matter how small.

More importantly, this Court has never found a one-person, one-vote violation in a *state*-legislative redistricting plan based on a deviation as small as the 3.32% deviation here. As a general rule, "a maximum population deviation under 10%" constitutes a "minor" deviation insufficient to "make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State." *Harris v. Ariz. Indep. Redistricting Comm'n*, 136 S. Ct. 1301, 1307 (2016).[16] "[T]hose attacking a state-approved plan must [therefore] show that it is more probable than not that a deviation of less than 10% reflects the predominance of illegitimate reapportionment factors." *Id.* Because it is the challenger's burden to prove illegitimate factors predominated—not the State's burden to prove otherwise—"attacks on deviations under 10% will succeed only rarely, in unusual cases." *Id.*

Rather than require plaintiffs to demonstrate that the *de minimis* 3.32% deviation they identified between two districts was the product of illegitimate factors, the district court faulted the Legislature for purportedly "assum[ing] they could have a 10% deviation *without justification*." H.J.S. App. 240a. According to the district court, "deviations may exist, but they must be justified by the right reasons." *Id.* at 241a. The court then set out to "analyze whether the population deviations in Plan H283 are explained by legitimate legislative policies in ways that justify the challenged deviations," *id.* at 199a, and faulted the State because statewide "population deviations were intentionally not minimized beyond 10%, and were not explained or justified on the legislative record during the session." *Id.* at 238a.

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[16] In contrast, *congressional* plans are held to a stricter standard of near-perfect population equalization under the one-person, one-vote doctrine. *E.g.*, *Evenwel v. Abbott*, 136 S. Ct. 1120, 1124 (2016).

That reasoning is flatly contrary to this Court's admonition that *plaintiffs* bear the burden of proving "that it is more probable than not that a deviation of less than 10% reflects the predominance of illegitimate reapportionment factors," and that "attacks on deviations under 10% will succeed only rarely, in unusual cases," *Harris*, 136 S. Ct. at 1307. As *Brown* and *Harris* make clear, it was *the plaintiffs'* burden to prove that the *de minimis* 3.32% deviation between two districts was the product of *illegitimate* reasons, not *the Legislature's* burden to prove that it was the product of *legitimate* ones. And as already explained, *see supra* pp.54-55, the plaintiffs plainly failed to meet that burden.

4. The Legislature Did Not Intentionally Dilute Hispanic Voting Strength in Dallas County (HD103, HD104, and HD105).

a. As with their other intentional-vote-dilution claims, the district court should have rejected the plaintiffs' intentional-vote-dilution claims in three west Dallas County districts—HD103, HD104, and HD105—for the straightforward reason that there was no vote-dilutive effect. Although the parties disputed many factual issues, one thing was certain: it was *not* possible to draw additional majority-minority districts in Dallas County—even with the data available at the time of trial in July 2017, more than four years after the Legislature adopted Plan H358.[17] MALC's own expert expressly conceded this point. 2017 Trial Tr. 48. Moreover, the plaintiffs failed to prove even that additional *coalition* districts—which are not required by VRA §2—could be drawn in Dallas County. H.J.S. App. 26a (finding lack of political cohesion). Without "the possibility of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of [the minority group's] choice," *LULAC*, 548 U.S. at 430 (quoting *De Grandy*, 512 U.S. at 1008), there can be no vote dilution. *See Shaw v. Reno*, 509 U.S. at 641.

b. Regardless of the absence of a vote-dilution effect, there is absolutely no evidence that the 2011 Legislature intentionally discriminated when it drew HD105. As a result of the 2010 Census, the 2011 Legislature faced the difficult task of removing two Republican districts (one of which was HD106) from Dallas County without eliminating any existing minority-opportunity districts. H.J.S. Supp. App. 222a. To give HD106's incumbent, Representative Anderson, a chance to retain his seat, the Legislature decided to extend nearby Republican HD105 significantly southward into what otherwise would be HD104 to include Anderson's home. *Id.* at 229a-230a. This allowed Anderson to run against

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[17] HD104 is a majority-Hispanic district. H.J.S. App. 167a. HD103 was not a majority-Hispanic district, but it was electing the Hispanic-preferred candidate, Representative Rafael Anchia. *Id.* at 170a.

HD105's Republican incumbent, Representative Harper-Brown, in a relatively safe Republican district. *Id.*; J.A. 454a.

The district court tried to portray this incumbency-protection decision in a negative light, claiming that "mapdrawers improperly used race to make HD103 and HD104 more Hispanic and HD105 more Anglo." H.J.S. App. 23a.[18] But that makes no sense as a theory of vote dilution. As the legislative staff member who drew HD105 explained, he ensured that areas with significant Hispanic voting population were kept in HD104, thus maintaining HD104 as a minority-opportunity district with a Spanish-surname-voter-registration above 50%. He conducted a similar exercise to keep the Spanish-surname-voter-registration of HD103 around its benchmark level of 39%. H.J.S. Supp. App. 227a-229a. Moving Hispanic voters from HD105 to HD103 and HD104 placed them in districts where, unlike in HD105, they were likely to be represented by Hispanic candidates of choice. *Id.* at 222a, 230a. That is the opposite of minority vote dilution.

5. The Legislature Did Not Intentionally Dilute Hispanic Voting Strength in Nueces County (HD32 and HD34).

a. There is not and never was any intentional vote dilution in the state-house districts in Nueces County. As an initial matter, there could not have been intentional vote dilution in Nueces County because, once again, there was no vote-dilution effect. *See infra* Part IV.A.

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[18] Although the district court seemed to focus on the use of racial data, it did not find racial gerrymandering, nor could it—the plaintiffs did not even plead claims of racial gerrymandering in Dallas County. H.J.S. App. 192a-193a.

b. Regardless, the record is devoid of any evidence of intent to dilute minority voting strength. Under the plan that existed in 2010, Nueces County contained two Texas House Districts (HD33 and HD34) and part of a third (HD32), all of which were represented by Republicans. H.J.S. Supp. App. 89a-91a. Based on the 2010 Census, a relative decline in population entitled the county to only two Texas House districts. *See* H.J.S. App. 27a. Consequently, as required by the Texas Constitution's whole-county provision, Tex. Const. art. III, §26, the 2011 Legislature apportioned two Texas House districts to Nueces County (HD32 and HD34). *See* H.J.S. App. 27a. One of those (HD34) was drawn as a Hispanic-opportunity district. *Id.* at 57a. That ensured roughly proportional representation, as Hispanic voters "are around 56% of the relevant population (CVAP)" in Nueces County. *Id.* at 51a. The other district (HD32) replaced the two previous Republican districts with one protecting the most senior incumbent of the delegation. *See* H.J.S. Supp. App. 100a (noting seniority).

The district court nonetheless found both intentional vote dilution and a vote-dilution effect in Nueces County because the Legislature did not draw "an additional compact minority district," H.J.S. App. 54a—that is, "two HCVAP-majority districts wholly within Nueces County," *id.* at 59a. This was clear legal and factual error, as there was no possible way to draw two performing majority-minority districts in Nueces County. *See infra* Part IV.A. To state the obvious, the Legislature did not engage in intentional discrimination by declining to do the impossible—particularly given that, had the Legislature actually split the county's Hispanic population in half, it undoubtedly would have been charged with vote dilution.

The district court did not and could not explain how this decision amounted to intentional vote dilution. Instead, it rested its intentional-discrimination finding largely on a meritless one-person, one-vote argument that was expressly disclaimed by MALC, the only plaintiff asserting claims against the Nueces County statehouse districts. *See* 2017 Trial Tr. 22; H.J.S. App. 30a, 31a n.21. Just like in Bell County, the court found a one-person, one-vote violation in Nueces County based on a minor deviation between two specific districts—a mere 3.63% deviation between HD32 (0.34% below the statewide ideal) and HD34 (3.29% above the statewide ideal). *Id.* at 254a. As explained above, that alone was legal error because (1) it was not a statewide maximum-deviation analysis; (2) it is the plaintiffs' burden to prove that such minor deviations are illegitimate, *see Harris*, 136 S. Ct. at 1307; and (3) "attacks on deviations under 10% will succeed only rarely, in unusual cases," *id. See supra* pp.55-58.

But even setting those problems aside, the district court clearly erred when it assumed that the 2011 Legislature must have invidiously relied on racial data merely because "HD34 is significantly more Hispanic in population and significantly more overpopulated than HD32." H.J.S. App. 255a. First, a deviation of less than 4% is hardly "significantly more overpopulated." Second, a court may not assume invidious intent from the mere existence of disparate result. *See Feeney*, 442 U.S. at 279. Instead, it was the plaintiffs' burden to rebut the presumption of good faith, and prove up their counter-intuitive claim that *removing* two of the three Republican representatives from Nueces County and *adding* a performing Hispanic-opportunity district somehow amounted to intentional vote dilution. That, the plaintiffs utterly failed to do.

* * *

In sum, the court-ordered districts later invalidated by the district court were preserved in the court's own 2012 remedial maps for an obvious reason: those districts were not infected with any discriminatory "taint" to begin with. The court itself found as much back in 2012, as it was bound to do given this Court's mandate to "draw interim maps that do not violate the Constitution or the Voting Rights Act." *Perry*, 565 U.S. at 396. Accordingly, even if the intentions of the 2011 Legislature were relevant, they supply no basis whatsoever for invalidating any of the districts that the 2013 Legislature adopted verbatim from the district court's interim maps.

IV. The Two Remaining Challenges To The 2013 Plans Are Meritless.

The conclusion that the Legislature did not engage in intentional discrimination when it adopted the district court's interim maps as its own suffices to invalidate the bulk of the district court's holdings, as all but one of the districts the court invalidated were adopted verbatim from the court-imposed maps, and each of those districts was invalidated on intentional-discrimination grounds. But the district court invalidated two state-house districts on grounds that are not controlled by that analysis, finding a VRA §2 results violation based on a vote-dilution *effect* in one district (HD32 in Nueces County), and finding racial gerrymandering in the lone invalidated district that was *not* adopted verbatim from the court-ordered plan (HD90 in Tarrant County). While defendants certainly concede (contrary to the district court's claims) that the 2013 plans were not "insulated" from attack on those grounds, each of those holdings is legally and factually unsustainable.

A. There Is No Vote-Dilutive Effect in Nueces County State-House Districts.

The district court's 2017 orders sustained only one *effects* claim in the entirety of the 2013 maps, finding vote-dilutive effect in HD32 in Nueces County. The district court correctly rejected that very same claim in 2012, H.J.S. App. 303a, and the majority should have joined Judge Smith in doing so again in 2017, *id.* at 298a.

As discussed, *see supra* pp.48-49, to establish a vote-dilution effect under VRA §2, a plaintiff must establish "the possibility of creating more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of [the minority group's] choice." *LULAC*, 548 U.S. at 430 (quoting

De Grandy, 512 U.S. at 1008). To qualify as "sufficiently large" for the VRA to require the district, the minority population must be at least 50%, *Bartlett*, 556 U.S. at 19, but it must also be large enough to actually perform and provide minority voters with the opportunity to elect their preferred candidates. *See, e.g.*, *LULAC*, 548 U.S. at 428 (noting that "it may be possible for a citizen voting-age majority to lack real electoral opportunity").

The district court itself recognized that it was not possible to draw two state-house districts in 56% Hispanic Nueces County with enough Hispanic voters to consistently elect Hispanic candidates of choice. Plaintiffs' attempt to draw two Hispanic-citizen-voting-age-majority districts in Nueces County left Hispanic voters "essentially worse off than under Plan H358 because one district would not perform at all and one performed poorly (compared to Plan H358, where one district does perform consistently for Latinos)." H.J.S. App. 49a-50a; *id.* at 55a (explaining that plaintiff MALC's effort produced "two HCVAP-majority districts that are poorly performing or not yet performing").

MALC's own expert testified that he could not "draw two districts wholly contained within Nueces County that were Latino CVAP majorities and . . . both performed for the Latino community." J.A. 387a. As he explained, when he attempted to draw two districts wholly within Nueces County with at least 50% Hispanic-citizen-voting-age population, one district elected the minority-preferred candidate in only 7 of 35 elections analyzed, and the other in none. J.A. 386a-387a; *see also, e.g.*, H.J.S. Supp. App. 93a (noting Texas Legislative Council attorney David Hanna's conclusion in 2011 that it was "highly unlikely that you can ever get two performing districts for Hispanics no matter how you draw them"); *id.* at 94a-95a (suggesting drawing one "clearly performing" Hispanic-opportunity district in Nueces County to avoid retrogression).

That evidence confirms that creating two districts within Nueces County with at least 50% Hispanic-citizen-voting-age-population would not have created an opportunity to elect the minority-preferred candidate in two districts. To the contrary, it would result in levels of performance for Hispanic-preferred candidates "so low as to indicate a lack of real electoral opportunity in both districts." H.J.S. App. 44a. Accordingly, not only did VRA §2 not require two such districts; if the State had tried to draw them, it undoubtedly would have been charged with vote dilution. *See id.* at 96a ("[A] 50% HCVAP district is theoretically an opportunity district, but it may still be challenged by Plaintiffs as not providing real electoral opportunity."). And the district court expressly rejected the plaintiffs' claim that VRA §2 required the Legislature to violate the whole-county provision to create an additional Hispanic-opportunity district. *Id.* at 49a-50a, 59a ("[B]reaking the County Line Rule twice to remove Anglos and incorporate even more Hispanics to improve electoral outcomes goes beyond what § 2 requires."). That should have been the end of the inquiry.

Instead, the district court concluded that the Legislature violated §2 by failing to draw two Hispanic-majority districts within Nueces County—despite the undisputed evidence submitted by MALC itself that such districts would not perform for Hispanic voters—on the theory that MALC failed to prove "that the districts in [its demonstration plan] *do not* provide real electoral opportunity." H.J.S. App. 55a (emphasis added). That conclusion is inexplicable. It was MALC's burden to prove that two such districts *would* perform, but MALC conceded that they would not. The Legislature cannot plausibly be found to have caused vote dilution by failing to draw districts that MALC *agreed* would have provided *less opportunity* to elect Hispanic-preferred candidates than the districts in Plan H358.

The district court's error is confirmed by evidence showing that state-house districts in Nueces County do not dilute Hispanic voting strength. Because the existing districts provide proportional representation, the district court itself recognized that "[c]reating a second [opportunity] district would result in over-representation [of Hispanic voters] in Nueces County." *Id.* at 51a. And it expressly found that "Hispanics are being elected to countywide offices and as house district representatives, indicating a lack of barriers to candidacy and election." *Id.* at 55a, *see also, e.g.*, H.J.S. Supp. App. 111a ("There have been a significant number of Latinos in elected office in Nueces County. Three of eight Corpus Christi council members are Hispanic, as are the county attorney, Nueces County district clerk, and three of eight district court judges." (citations omitted)). The district court's own findings thus confirm that the configuration of Nueces County House districts does not dilute Hispanic voting strength.

B. The Legislature Did Not Engage in Unconstitutional Racial Gerrymandering in Reconfiguring Tarrant County's HD90.

Remarkably, the district court not only accused the Legislature of engaging in intentional discrimination by *failing* to change the districts that the court itself imposed, but also managed to conclude that the Legislature engaged in racial gerrymandering in one of the very few districts that it *did* change. That conclusion perfectly illustrates the dilemma that state legislatures face when they attempt to balance the competing demands of the VRA and the Equal Protection Clause. The district court in 2012 adopted the previous version of HD90 as a majority-Hispanic district; the 2013 Legislature drew the reconfigured 2013 version as a majority-Hispanic district; and plaintiffs in this lawsuit told the Legislature (both in 2011 and 2013) that HD90 had to be retained as a majority-Hispanic district. Yet the district court held that the Legislature did not even have "good reasons" for retaining HD90 as a majority-Hispanic district.

That conclusion is impossible to reconcile with this Court's precedent. Contrary to the district court's contentions, "avoid[ing] a potential VRA problem" is not just "a vague goal" that fails to provide the "strong basis in evidence" to believe "that the VRA require[s] [the] use of race." H.J.S. App. 81a. Instead, this Court has repeatedly recognized that "complying with operative provisions of the Voting Rights Act" is a sufficiently "compelling interest" to justify a decision to redistrict on the basis of race. *Cooper*, 137 S. Ct. at 1464 (citing *Shaw v. Hunt*, 517 U.S. at 915); *see Bethune-Hill*, 137 S. Ct. at 801; *Alabama*, 135 S. Ct. at 1272-74. And the State had the strongest of "'good reasons' to think that it would transgress the [VRA] if it did *not* draw race-based district lines" by maintaining HD90 as a majority-Hispanic district, *Cooper*, 137 S. Ct. at 1464 (quoting *Bethune-Hill*, 137 S. Ct. at 802), as the plaintiffs consistently argued that this was the case.

In 2011, MALDEF urged the Legislature to increase the Hispanic-citizen-voting-age-population and Spanish-surname-voter-registration in HD90 because it was possible to create "a clear Latino CVAP majority district" in Tarrant County. H.J.S. Supp. App. 258a-259a. The 2011 Legislature accommodated the request, raising the Spanish-surname-voter-registration of HD90 to just over 50%—in part by moving the predominantly African-American neighborhood of Como into an adjoining Republican district. H.J.S. App. 68a, 174a. And the 2011 Legislature was very clear as to why it did so: MALDEF "testified that [Spanish-surname-voter-registration] needed to be above 50%." H.J.S. Supp. App. 264a. Because Como had been part of the district since 1978, however, the 2013 Legislature wanted to honor Como's request to be moved back into HD90—a request also made by the Democratic incumbent (and MALC member), Representative Burnam. H.J.S. App. 71a-72a, 75a, 77a. So in 2013, the Legislature sought to reconfigure HD90 from the 2012 court-imposed version to accomplish two goals: (1) moving the predominantly African-American neighborhood of Como back into HD90 as it requested, and (2) keeping HD90 as a majority-Hispanic district to comply with VRA §2.

Moving Como back into HD90 created a potential problem, however, because it would decrease the district's Spanish-surname-voter-registration from approximately 51% to 48.2%. J.A. 399a. And when Representative Burnam's chief of staff presented a proposed map that would do just that, MALC's counsel expressly informed him that MALC could not "support a map that brought the SSVR below 50 percent" because that would "substantially dilute[] Hispanic voting power." J.A. 398a, 403a. That concern was well-founded, as an elected official from the area stated that even with 50% Spanish-surname-voter-registration, it was far from clear that Hispanic voters would be able to nominate their preferred candidate in the Democratic primary. 2017 Trial Tr. 317. In 2012, incumbent Representative Burnam—who was not the Hispanic candidate of choice, H.J.S. App. 69a n.45—staved off a primary challenge from Carlos Vasquez by 159 votes, even though Spanish-surname-voter-registration was *above* 50%, *id.* at 72a. And, in 2014, challenger Ramon Romero, Jr., defeated Burnam in the primary by only 110 votes. *Id.* at 76a. So lowering Spanish-surname-voter-registration by only a few points could make all the difference for Hispanic voters in HD90.

Having heard MALC's legal concerns, Burnam instructed his chief of staff to draw a map that returned Como to HD90 but also kept the district's Spanish-surname-voter-registration above 50%. H.J.S. App. 72a-73a; J.A. 401a. Burnam incorporated that proposed map into an amendment, which was adopted by the House without objection and incorporated into the plan that was eventually enacted as Plan H358. J.A. 407a.

Proving that no good deed goes unpunished, the State then found itself confronted with not one, but *two* legal challenges—one by MALC and the Task Force claiming that the Legislature engaged in intentional vote dilution by failing to add ***enough*** Hispanic voters to now-majority-Hispanic HD90, and another facially contradictory challenge by the Task Force claiming that the Legislature engaged in racial gerrymandering by using race *at all* when drawing HD90. H.J.S. App. 70a-71a.

The district court correctly rejected the intentional-vote-dilution claim, concluding that HD90 sufficiently maintained Hispanic voting strength as a majority-Hispanic district. H.J.S. App. 84a. But the court then sustained the racial gerrymandering claim—even though the court itself had adopted the 2012 version of HD90 as a majority-Hispanic district—claiming that there was "no evidence" of "the amendment's effect on Latino voting ability in HD90." H.J.S. App. 82a. That holding is inexplicable. Not only had MALDEF told the Legislature that HD90 needed to be a majority-Hispanic district, but

MALC expressly opposed any drop below 50% Spanish-surname-voter-registration because that would "substantially dilute[] Hispanic voting power." J.A. 403a-404a. That assertion was supported by the extremely tight 2012 and 2014 primary elections in HD90, one of which the Hispanic candidate of choice narrowly lost.

The notion that a legislature may not consider race to address a specific, race-based concern about potential vote dilution defies common sense. This Court has admonished more times than bears repeating that States cannot be caught "between the competing hazards of liability" under the Constitution and the VRA. *E.g.*, *Bush*, 517 U.S. at 977. Allowing plaintiffs to charge a legislature with an unlawful purpose for attempting to address a race-based complaint is a surefire way to eliminate what little "breathing room" legislatures have left to enact districting legislation that withstands judicial scrutiny. *Cooper*, 137 S. Ct. at 1464.

CONCLUSION

The Court should reverse the district court's orders insofar as they invalidate districts in Plan C235 and Plan H358.

Respectfully submitted.

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February 2018

STATUTORY APPENDIX

TEXAS SESSION LAWS 2013

GENERAL AND SPECIAL

Eighty-Third Legislature, First Called Session

* * *

CHAPTER 2

S.B. No. 3

AN ACT

relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

Be it enacted by the Legislature of the State of Texas:

ARTICLE I

SECTION 1. (a) The members of the Texas House of Representatives are elected from the districts described by Article II of this Act.

(b) One member is elected from each district established by this Act.

ARTICLE II

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SECTION 32. District 32 is composed of Nueces County tracts 001400, 001802, 001902, 002101, 002102, 002303, 002304, 002601, 002602, 002603, 002703, 002704, 002705, 002706, 002900, 003001, 003002, 003101, 003102, 003202, 003203, 003204, 003303, 003304, 003305, 003306, 005102, 005404, 005413, 005414, 005415, 005416, 005417, 006200 and 990000; and that part of Nueces County tract 000500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061 and 1062; and that part of Nueces County tract 001000 included in block group 4; and that part of Nueces County tract 001100 included in block group 2 and block 1000; and that part of Nueces County tract 001200 included in block group 1 and blocks 2043, 2044, 2049, 2050, 2051, 2055, 2056, 2057, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034 and 3035; and that part of Nueces County tract 001300 included in block groups 2, 3 and 4; and that part of Nueces County tract 001702 included in blocks 1010, 1016, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025; and that part of Nueces County tract 002001 included in block groups 1, 2 and 3 and blocks 4000, 4001, 4002, 4003, 4004 and 4007; and that part of Nueces County tract 002400 included in block group 4; and that part of Nueces County tract 002500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2008, 2010, 2012, 2014, 2015, 2016, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2029, 2030, 2031, 2032, 2033 and 4000; and that part of Nueces County tract 005406 included in block group 3 and blocks 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1080, 1081, 1082, 1084, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2044, 2045, 2046, 2047, 2048, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168 and 2169; and that part of Nueces County tract 005410 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1012; and that part of Nueces County tract 005411 included in block group 1 and blocks 2000, 2001. 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017 and 2018; and that part of Nueces County tract 006000 included in blocks 2095, 2230, 2237, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2252 and 2253; and that part of Nueces County tract 006300 included in blocks 1313, 1314, 1321, 1322 and 1332; and that part of Nueces County tract 006400 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1034, 1035, 1036, 2039, 2040, 2041, 2104, 2122, 2123, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2164, 2165, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066 and 3067.

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SECTION 34. District 34 is composed of Nueces County tracts 000600, 000700, 000800, 000900, 001500, 001601, 001602, 001701, 001801, 001903, 001904, 002002, 002200, 002301, 003401, 003402, 003500, 003601, 003602, 003603, 003700, 005407, 005408, 005409, 005412, 005601, 005602, 005801, 005802, 005900, 006100 and 980000; and that part of Nueces County tract 000500 included in blocks 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084 and 1085; and that part of Nueces County tract 001000 included in block groups 1, 2 and 3; and that part of Nueces County tract 001100 included in blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057; and that part of Nueces County tract 001200 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2045, 2046, 2047, 2048, 2052, 2053, 2054 and 3000; and that part of Nueces County tract 001300 included in block group 1; and that part of Nueces County tract 001702 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2015; and that part of Nueces County tract 002001 included in blocks 4005, 4006, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015; and that part of Nueces County tract 002400 included in block groups 1, 2, 3 and 5; and that part of Nueces County tract 002500 included in block group 3 and blocks 2005, 2006, 2007, 2009, 2011, 2013, 2017, 2020, 2026, 2027, 2028, 2034, 2035, 2036, 2037, 2038, 4001, 4002, 4003, 4004, 4005, 4006 and 4007; and that part of Nueces County tract 005406 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1083, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and

2067; and that part of Nueces County tract 005410 included in block 1011; and that part of Nueces County tract 005411 included in block 2014; and that part of Nueces County tract 006000 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2231, 2232, 2233, 2234, 2235, 2236, 2238, 2239, 2250, 2251, 2254, 2255, 2256, 2257, 2258, 2259 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280 and 2281;

and that part of Nueces County tract 006300 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1315, 1316, 1317, 1318, 1319, 1320, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344 and 1345; and that part of Nueces County tract 006400 included in blocks 1030, 1031, 1032, 1033, 1037, 1038, 1039, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2124, 2125, 2126, 2127, 2128, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 3026, 3027 and 3028.

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SECTION 54. District 54 is composed of Lampasas County; and Bell County tracts 021901, 021903, 021904, 022300, 022401, 022402, 022403, 022404, 022405, 022502, 023103, 023105, 023106, 023107, 023108, 023300, 980001 and 980002; and that part of Bell County tract 021800 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194 and 1195; and that part of Bell County tract 022000 included in block groups 2, 3 and 4 and blocks 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1119, 1120, 1121, 1122, 1123, 1124, 1133, 1134 and 1138; and that part of Bell County tract 022200 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014; and that part of Bell County tract 022501 included in block groups 2, 3 and 4; and that part of Bell County tract 022600 included in blocks 5022, 5024, 5027, 5028 and

5029; and that part of Bell County tract 023000 included in block groups 3 and 4; and that part of Bell County tract 023104 included in block group 1 and blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2033, 2034, 2035, 2036 and 2037; and that part of Bell County tract 023202 included in blocks 2046, 2047, 2055, 2056, 2057, 2058, 2059, 2060, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140 and 2143; and that part of Bell County tract 023203 included in blocks 2017 and 2018; and that part of Bell County tract 023403 included in block groups 2, 3 and 4 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1142, 1144, 1145, 1146, 1147, 1153, 1154, 1155, 1156, 1157, 1159, 1160, 1161, 1162 and 1163; and that part of Bell County tract 023404 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1115 and 1135.

SECTION 55. District 55 is composed of Bell County tracts 020100, 020201, 020202, 020300, 020401, 020402, 020500, 020600, 020701, 020702, 020800, 020900, 021000, 021100, 021201, 021202, 021203, 021301, 021302, 021303, 021400, 021500, 021601, 021602, 021700, 022101, 022103, 022104, 022105, 022801, 022900, 023201, 023204, 023402, 023500 and 980003; and that part of Bell County tract 021800 included in block 1183; and that part of Bell County tract 022000 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1086, 1094, 1095, 1096, 1097, 1116, 1117, 1118, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1135, 1136 and 1137; and that part of Bell County tract 022200 included in block 1015; and that part of Bell County tract 022501 included in block group 1; and that part of Bell County tract 022600 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5023, 5025 and 5026; and that part of Bell County tract 023000 included in block groups 1 and 2; and that part of Bell County tract 023104 included in blocks 2000, 2011, 2012 and 2032; and that part of Bell County tract 023202 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2092, 2093, 2094, 2113, 2114, 2141 and 2142; and that part of Bell County tract 023203 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2019; and that part of Bell County tract 023403 included in blocks 1031, 1129, 1130, 1140, 1141, 1143, 1148, 1149, 1150, 1151, 1152 and 1158; and that part of Bell County tract 023404 included in blocks 1017, 1024, 1025, 1026, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144.

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SECTION 90. District 90 is composed of Tarrant County tracts 100201, 100300, 100800, 101202, 102500, 103701, 104503, 104601, 104602, 104701, 104803, 104804, 105001 and 105800; and that part of Tarrant County tract 100101 included in block groups 3 and 4 and blocks 2008, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013 and 5014; and that part of Tarrant County tract 100102 included in block groups 3 and 4 and blocks 2015, 2016, 2017, 2018, 2019, 2020, 2022, 2023, 2024, 2025 and 2026; and that part of Tarrant County tract 100202 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063 and 2064; and that part of Tarrant County tract 100400 included in block groups 1, 2, 4, 5 and 6 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022; and that part of Tarrant County tract 100501 included in block groups 1, 2, 3 and 4 and blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5023, 5043, 5044, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060 and 5061; and that part of Tarrant County tract 100502 included in block groups 2, 3, 4 and 6 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025 and 1026;

and that part of Tarrant County tract 100700 included in blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1025, 1026, 1028 and 3000; and that part of Tarrant County tract 100900 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2071, 2072 and 2073; and that part of Tarrant County tract 101201 included in block group 2 and blocks 1102, 1103, 1104, 1105, 1106, 1109, 1110, 1111, 1112 and 1114; and that part of Tarrant County tract 101402 included in block group 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010; and that part of Tarrant County tract 101500 included in block groups 2, 3, 4 and 5 and blocks 1000 and 1001; and that part of Tarrant County tract 101700 included in blocks 2003, 2005 and 2006; and that part of Tarrant County tract 102000 included in blocks 1000, 1001, 1002, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1035, 1052, 1053, 1059, 1060, 1065, 1066, 1067, 1068, 1069, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081 and 2082; and that part of Tarrant County tract 102401 included in blocks 4000, 4001, 4010, 4011, 4012 and 4013; and that part of Tarrant County tract 102601 included in block 1035; and that part of Tarrant County tract 102602 included in blocks 1035, 1036, 1037, 1038, 1039, 1046, 1047, 1048, 1049, 1053, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2057, 2063, 2064, 2065, 2066, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081 and 2082; and that part of Tarrant County tract 102800 included in blocks 1000 and 1001; and that part of Tarrant County tract 103500 included in block groups 2, 3 and 4 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013; and that part of Tarrant County tract 103702 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016 and 2017; and that part of Tarrant County tract 104100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1028, 1029, 3000, 3001, 3008, 3009, 4000 and 4007; and that part of Tarrant County tract 104202 included in blocks 2011, 2012, 4018 and 4019; and that part of Tarrant County tract 104300 included in blocks 1019, 1020, 3000, 3001, 3002, 3003, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020, 3021, 5009, 5010, 5012 and 5013; and that part of Tarrant County tract 104400 included in block group 4 and blocks 1000, 1001, 1002, 1009, 1010, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2004, 2005, 2006, 2007, 2008, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3000, 3001, 3002, 3003, 3006, 3007, 3008, 3009 and 3010; and that part of Tarrant County tract 104502 included in block group 2 and blocks 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 1075; and that part of Tarrant County tract 104504 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033; and that part of Tarrant County tract 104505 included in blocks 2006, 2007, 3022, 3023, 3024, 3025 and 3026; and that part of Tarrant County tract 104603 included in block group 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2018, 2019 and 2020; and that part of Tarrant County tract 104604 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070 and 2071; and that part of Tarrant County tract 104702 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1055, 1056, 1057, 1058 and 1059; and that part of Tarrant County tract 104802 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013; and that part of Tarrant County tract 104900 included in blocks 1004, 1005, 1006, 2011, 2012, 2013, 2014, 2020, 2021, 2022, 2023, 2024, 2025 and 2026; and that part of Tarrant County tract 105006 included in blocks 1078, 1079, 1081, 1082, 1083, 1100, 1102, 1103, 1104, 1105, 1106, 1107, 1111, 1112, 1113, 1120, 1121, 1122, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1187, 1188, 1189, 1190, 1191, 1192, 1193 and 1195; and that part of Tarrant County tract 105403 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026 and 1027; and that part of Tarrant County tract 105405 included in blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015; and that part of Tarrant County tract 105600 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1023, 1024, 1030, 1031, 1032, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2009, 2010 and 4010; and that part of Tarrant County tract 105901 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3028, 3029, 3030, 3031, 3032, 3039, 3040, 3041, 3042, 3047, 3048 and 3050; and that part of Tarrant County tract 105902 included in blocks 2001 and 2003; and that part of Tarrant County tract 110402 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1049, 2013, 2014, 2020, 2021 and 2022; and that part of Tarrant County tract 110500 included in block 5028; and that part of Tarrant County tract 123200 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1145, 1150, 1151, 1152, 1154, 1156, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1169, 1170, 1171, 1172, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1201, 1206, 1208, 1209, 1210, 1211 and 1220; and that part of Tarrant County tract 123300 included in blocks 1051, 1056, 1057, 1058, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1159 and 2000; and that part of Tarrant County tract 123400 included in blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 2027, 2028, 2029, 2031, 2033, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2058, 2059, 2060, 2061, 2067, 2068, 2075, 2076, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3018; and that part of Tarrant County tract 123600 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068 and 2069.

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SECTION 103. District 103 is composed of Dallas County tracts 000404, 000405, 000406, 004202, 004400, 004600, 004700, 006800, 006900, 007102, 007201, 007202, 009610, 009802, 009803, 009804, 009900, 010601, 010602, 010701, 013901, 014137, 014138, 014603, 014703, 014901, 014902 and 980100; and that part of Dallas County tract 000401 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026 and 3028; and that part of Dallas County tract 000500 included in block groups 1, 3 and 4 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2012, 2013, 2014, 2015, 2033, 2034, 2035 and 2042; and that part of Dallas County tract 000601 included in block groups 2, 3, 4 and 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 000603 included in block groups 1 and 3 and blocks 2003, 2006, 2007, 2008, 2009, 2012, 2013, 2014 and 4012; and that part of Dallas County tract 000605 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 000606 included in blocks 1030, 1031, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2014; and that part of Dallas County tract 004201 included in block group 1; and that part of Dallas County tract 004300 included in block group 3 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1031, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 2000, 2001, 2002, 2003, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023 and 2024; and that part of Dallas County tract 004500 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2017, 2018, 2019, 2020, 2021, 2026, 2027, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061 and 3062; and that part of Dallas County tract 005100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1014, 1015, 1016 and 1017; and that part of Dallas County tract 005200 included in block group 1 and blocks 2000, 2001, 2002, 2003 and 2004; and that part of Dallas County tract 006700 included in blocks 2000, 2001, 2002, 2003 and 2004; and that part of Dallas County tract 007302 included in blocks 4008 and 4009; and that part of Dallas County tract 009401 included in block group 1 and blocks

2018, 2019, 2020 and 2022; and that part of Dallas County tract 009402 included in block 1024; and that part of Dallas County tract 009605 included in blocks 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035 and 1036; and that part of Dallas County tract 009607 included in blocks 2001, 2002, 2003 and 3002; and that part of Dallas County tract 009611 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3015; and that part of Dallas County tract 009701 included in block group 2 and blocks 1005, 1006, 1007, 1008, 1009, 1010, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 1033, 1034, 1035, 1036, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014, 3020 and 3027; and that part of Dallas County tract 009702 included in blocks 1010, 1017, 1018, 1019 and 1020; and that part of Dallas County tract 010000 included in blocks 1015, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2285, 2286, 2287, 2288, 2289, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371 and 2372; and that part of Dallas County tract 010500 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056 and 2057; and that part of Dallas County tract 013713 included in blocks 1008, 1009, 1010 and 1011; and that part of Dallas County tract 013714 included in blocks 3006, 3007 and 3008; and that part of Dallas County tract 014001 included in blocks 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1060, 1061, 1062, 1073, 1074, 1077, 1078, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039 and 3040; and that part of Dallas County tract 014002 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099 and 1101; and that part of Dallas County tract 014124 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1078, 1079, 1080, 1081 and 1083; and that part of Dallas County tract 014130 included in blocks 1032 and 1036; and that part of Dallas County tract 014405 included in blocks 2006, 2007, 2011, 2012, 2013, 2014, 2015, 2022, 2023 and 3000; and that part of Dallas County tract 014406 included in block group 1; and that part of Dallas County tract 014502 included in block 3020; and that part of Dallas County tract 014601 included in blocks 2000, 2004, 2005, 2010 and 2011; and that part of Dallas County tract 014602 included in block groups 2 and 3 and blocks 1006, 1007, 1010, 1011 and 1012; and that part of Dallas County tract 014701 included in block group 1; and that part of Dallas County tract 014702 included in block group 3 and block 1017; and that part of Dallas County tract 015000 included in block group 2 and blocks 1008, 1009, 1010, 1011, 1012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 4000 and 4015; and that part of Dallas County tract 015202 included in blocks 1004, 1006, 1007, 1008, 1012, 1013, 1014, 1015, 2002, 2003, 2004, 2005, 2006, 2014, 2015 and 2019; and that part of Dallas County tract 015205 included in block group 1; and that part of Dallas County tract 019800 included in block 3026; and that part of Dallas County tract 020100 included in blocks 1117, 1118, 1119, 1120, 1124, 1125, 1126, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2028, 2030, 2031, 2032, 2033, 2034, 2036, 2037, 2038, 2039, 2040, 2041 and 2042; and that part of Dallas County tract 020500 included in blocks 1003, 1004, 1005, 1006, 1007, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2012, 2015, 2016 and 2017.

SECTION 104. District 104 is composed of Dallas County tracts 002000, 004800, 005000, 005300, 006301, 006302, 006401, 006402, 006501, 006502, 010704, 010804, 015403, 015404, 015600, 015700, 015800, 016302, 016406 and 019900; and that part of Dallas County tract 004201 included in block groups 2, 3, 4 and 5; and that part of Dallas County tract 004300 included in blocks 1000, 1001, 1002, 1029, 1030, 1032, 1033, 1034, 1035, 1070 and 1071; and that part of Dallas County tract 004500 included in block group 4 and blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2022, 2023, 2024, 2025, 3037 and 3038; and that part of Dallas County tract 005100 included in block group 2 and blocks 1011, 1012, 1013, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047; and that part of Dallas County tract 005200 included in block groups 3 and 4 and blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016; and that part of Dallas County tract 005600 included in block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015 and 4016; and that part of Dallas County tract 006001 included in block group 3 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2015; and that part of Dallas County tract 006200 included in block groups 2, 4 and 5 and blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046 and 3047; and that part of Dallas County tract 006700 included in block groups 1, 3 and 4 and blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044 and 2045; and that part of Dallas County tract 010101 included in blocks 3000, 3001, 3002, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3025, 3026, 3027 and 3028; and that part of Dallas County tract 010102 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016 and 2017; and that part of Dallas County tract 010703 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2033, 2034 and 2035; and that part of Dallas County tract 010801 included in block groups 1 and 2 and blocks 3000, 3001, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 4000, 4001, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4023 and 4024; and that part of Dallas County tract 010805 included in block groups 2 and 3 and blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018; and that part of Dallas County tract 015204 included in blocks 6002, 6003, 6004, 6005, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017 and 6023; and that part of Dallas County tract 015304 included in blocks 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1049, 1050, 1051 and 1053; and that part of Dallas County tract 015500 included in blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1034, 1035, 1036, 1037, 1038 and 1039; and that part of Dallas County tract 015900 included in block group 1 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3041, 3042 and 3043; and that part of Dallas County tract 016001 included in block groups 1, 3 and 4 and blocks 2001, 2002, 2003, 2004, 2005, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2020 and 2021; and that part of Dallas County tract 016002 included in blocks 1000, 1008, 1014 and 1018; and that part of Dallas County tract 016100 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1052, 1053 and 1057; and that part of Dallas County tract 016202 included in block group 4 and blocks 2006, 2007, 2010 and 2011; and that part of Dallas County tract 016301 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2043, 2044, 2045 and 2046; and that part of Dallas County tract 016401 included in block groups 1 and 4 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3012, 3013, 3014, 3015, 3016, 3017 and 3018; and that part of Dallas County tract 016407 included in block groups 1 and 3 and blocks 2007, 2009, 2010, 2012, 2013, 4003, 4004, 4005 and 4006; and that part of Dallas County tract 016408 included in blocks 1000, 1001, 1002, 1003, 1004 and 1005; and that part of Dallas County tract 016409 included in blocks 1000, 1001, 1002 and 1031; and that part of Dallas County tract 016410 included in blocks 1000 and 1001; and that part of Dallas County tract 016412 included in blocks 1000, 1001, 1002, 1003, 1005, 1025, 1026, 1027, 1030, 1036, 2000, 2001, 2012, 2022, 2023, 2024, 2050 and 2051; and that part of Dallas County tract 016413 included in block group 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2038, 2039, 2040, 2041, 2042, 2048, 2049 and 2050; and that part of Dallas County tract 016510 included in blocks 2034, 2038, 2039, 2040 and 2041; and that part of Dallas County tract 016521 included in blocks 1021 and 2012.

SECTION 105. District 105 is composed of Dallas County tracts 014115, 014116, 014203, 014204, 014205, 014206, 014302, 014306, 014307, 014308, 014309, 014310, 014312, 014403, 014407, 014408, 014501, 015100, 015206, 015303, 015305, 015306, 015401 and 016201; and that part of Dallas County tract 014103 included in blocks 1133, 1134, 2003 and 2004; and that part of Dallas County tract 014311 included in block 3007; and that part of Dallas County tract 014405 included in block group 1 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2016, 2017, 2018, 2019, 2020, 2021, 3001, 3002, 3003, 3004, 3005, 3006, 3007 and 3008; and that part of Dallas County tract 014406 included in block groups 2 and 3; and that part of Dallas County tract 014502 included in block groups 1 and 2 and blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019; and that part of Dallas County tract 014601 included in block group 1 and blocks 2001, 2002, 2003, 2006, 2007, 2008 and 2009; and that part of Dallas County tract 014602 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008 and 1009; and that part of Dallas County tract 014701 included in block groups 2, 3 and 4; and that part of Dallas County tract 014702 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1018; and that part of Dallas County tract 015000 included in block group 5 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 1016, 3014, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4016, 4017, 4018, 4019, 4020, 4021 and 4022; and that part of Dallas County tract 015202 included in blocks 1000, 1001, 1002, 1003, 1005, 1009, 1010, 1011, 2000, 2001, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017 and 2018; and that part of Dallas County tract 015204 included in block groups 1, 2, 3, 4 and 5 and blocks 6000, 6001, 6006, 6007, 6008, 6018, 6019, 6020, 6021 and 6022; and that part of Dallas County tract 015205 included in block groups 2 and 3: and that part of Dallas County tract 015304 included in block group 2 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1046, 1047, 1048 and 1052; and that part of Dallas County tract 015500 included in block groups 2 and 3 and blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033; and that part of Dallas County tract 015900 included in block group 2 and blocks 3030, 3031 and 3040; and that part of Dallas County tract 016001 included in blocks 2000, 2006, 2007, 2008, 2009, 2010 and 2019; and that part of Dallas County tract 016002 included in block group 2 and blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024 and 1025; and that part of Dallas County tract 016100 included in blocks 1028, 1029, 1030, 1031, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1054, 1055 and 1056; and that part of Dallas County tract 016202 included in block groups 1 and 3 and blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008 and 2009; and that part of Dallas County tract 016301 included in blocks 2017, 2021, 2022, 2023, 2024, 2025, 2041 and 2042; and that part of Dallas County tract 016401 included in block group 2 and blocks 3007, 3008, 3009, 3010 and 3011; and that part of Dallas County tract 016407 included in blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2011, 2014, 2015, 2016, 2017, 4000, 4001, 4002, 4007, 4008, 4009, 4010, 4011 and 4012; and that part of Dallas County tract 016408 included in block groups 2, 3 and 4 and blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1042; and that part of Dallas

County tract 016409 included in block group 2 and blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033 and 1034; and that part of Dallas County tract 016412 included in blocks 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049 and 2052; and that part of Dallas County tract 016413 included in block 2037; and that part of Dallas County tract 020100 included in blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1121, 1122, 1123, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 2000, 2001, 2002, 2003, 2004, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2027, 2029 and 2035; and that part of Dallas County tract 980000 included in blocks 1131, 1150, 1151 and 1152.

* * *

ARTICLE III

SECTION 1. In this Act, "tract," "block group," and "block" mean the geographic areas identified by those terms on the 2010 Census TIGER/Line Shapefiles, prepared by the federal Bureau of the Census for the Twenty-third Decennial Census of the United States, enumerated as of April 1, 2010.

SECTION 2. It is the intention of the Texas Legislature that, if any county, tract, block group, block, or other geographic area has erroneously been left out of this Act, a court reviewing this Act should include that area in the appropriate district in accordance with the intent of the legislature, using any available evidence of that intent, including evidence such as that used by the Supreme Court of Texas in Smith v. Patterson, 111 Tex. 535, 242 S.W. 749 (1922).

SECTION 3. Chapter 1271 (H.B. 150), Acts of the 82nd Legislature, Regular Session, 2011 (Article 195a-12, Vernon's Texas Civil Statutes), is repealed.

SECTION 4. The districts set out in this Act apply to the election of the members of the Texas House of Representatives beginning with the primary and general elections in 2014 for members of the 84th Legislature. This Act does not affect the membership or districts of the House of Representatives of the 83rd Texas Legislature.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Passed the Senate on June 14, 2013: Yeas 16, Nays 11; the Senate concurred in House amendments on June 23, 2013: Yeas 18, Nays 11; passed the House, with amendments, on June 21, 2013: Yeas 93, Nays 46, three present not voting.

Approved June 26, 2013.

Effective September 24, 2013.

CHAPTER 3

S.B. No. 4

AN ACT

relating to the composition of districts for the election of members of the United States House of Representatives from Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The interim redistricting plan used to elect members of the United States House of Representatives from the State of Texas in 2012 ordered by the United States District Court for the Western District of Texas on February 28, 2012, in the case of Perez, et al. v. Perry, et al. (No. SA-11-CV-360), and identified as

PLANC235 on the redistricting computer system operated by the Texas Legislative Council, is hereby ratified and adopted as the permanent plan for districts used to elect members of the United States House of Representatives from the State of Texas.

SECTION 2. In making this enactment the legislature finds that:

(1) the United States District Court for the Western District of Texas properly applied the decision of the United States Supreme Court on January 20, 2012, in Perry, et al. v. Perez, et al., 565 U.S. ___ (2012) (per curiam), in the creation of the district court's interim plan for Texas' congressional districts for use in the 2012 elections;

(2) the district court's interim plan for Texas' congressional districts complies with all federal and state constitutional provisions or laws applicable to redistricting plans, including the federal Voting Rights Act; and

(3) the adoption of the district court's interim plan for Texas' congressional districts as a permanent plan by the Texas Legislature will:

(A) diminish the expense of further time and money by all parties in Texas' ongoing redistricting litigation;

(B) avoid disruption of the upcoming election cycle; and

(C) provide certainty and continuity to the citizens of Texas regarding the districts used to elect members of the United States House of Representatives from Texas.

SECTION 3. Chapter 1 (Senate Bill No. 4), Acts of the 82nd Legislature, 1st Called Session, 2011 (Article 197j, Vernon's Texas Civil Statutes), is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.

Passed the Senate on June 14, 2013: Yeas 16, Nays 11; passed the House on June 21, 2013: Yeas 93, Nays 47, two present not voting.

Approved June 26, 2013.

Effective September 24, 2013.